

# FAILURE BY DESIGN: EXAMINING SECRETARY MAYORKAS' BORDER CRISIS

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## FIELD HEARING BEFORE THE COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

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**Wednesday, March 15, 2023**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
PHARR, TX.

The committee met, pursuant to notice, at 9:06 p.m. Central time, at South Texas College Regional Center for Public Safety Excellence, 3901 S. Cage Blvd. Pharr, Texas, Hon. Mark E. Green (Chairman of the committee) presiding.

Present: Representatives Green, Higgins, Guest, Bishop, Gimenez, Pfluger, Greene, LaLota, Lee of Florida, Luttrell, Strong, and Brecheen.

Also present: Representative De La Cruz.

Chairman GREEN. The committee will come to order.

Without objection, the committee may recess at any point.

The purpose of this field hearing is to break out of the bubble in Washington and speak to a variety of leaders who oversee those on the ground dealing with Secretary Mayorkas' crisis at our Southwest Border on a daily basis.

I now recognize myself for an opening statement.

Good morning, and welcome to the Committee on Homeland Security's field hearing in Pharr, Texas.

We came to Texas for this hearing for several reasons: To get Members of Congress and their staff out of the cubicles back in Washington and down here to the border to see it for ourselves. You cannot read about being a doctor and then go do brain surgery. My life experience has taught me, whether it was as an Army Infantry commander, or a physician needing a CT scan before deciding a treatment plan or the CEO of my company, it takes the leader getting on the ground, seeing what's going on to make well-informed decisions.

We also want the people on the border to know that Congress cares, that we see the plight of your communities.

Now, this was supposed to be a full committee, but as you can see, the Democrats are not here. They decided to not show. Why? Well, they said coming here was just a political stunt. You tell me. Taking a hearing to the point of the crisis for a first-hand view, or boycotting a hearing because you know we're going to shine a light on the truth, which of those is the political stunt? I'd say the political stunt is these empty chairs.

The Democrats also talk about bipartisanship, how this committee is supposed to be a bipartisan committee. I guess for them, bipartisanship is only when you agree exactly with them. To me,

bipartisanship is where you sit down together and debate the issues and talk to try to find common ground and solutions.

You can't have bipartisanship if the other side fails to show up for their duty. In the Army, when someone didn't show up, we called them AWOL, or absent without leave. Their place of duty is at this hearing, because it's a full hearing. They're not here, they're AWOL.

Now for the reasons why we're here. Why is this crisis happening? Most of us here today are well aware of the tragedy at the border: 4.7 million encounters, 1.3 million got-aways. We don't know who those people are, where they are. But in the encounter number, we know drug seizures are up, individuals on the terrorist watch list are up, all at record numbers, 6 million people.

In just the 2 years of Secretary Mayorkas' reign at DHS, more people have come into this country than all of the 8 years of Barack Obama's Presidency and all 4 years of the Trump Presidency combined. Why? What's happened? What changed? Now, some may think it's the money. We hear it from the left, not today, of course, but we hear it from the left that more money will fix this issue. But the budget didn't go away. It didn't go way down when Mayorkas was confirmed as Secretary. In fact, it went up. A lack of money didn't cause this massive, sudden surge.

Some may think it's the numbers of Border Patrol agents. If we only had more agents sitting on the border, this wouldn't happen. Well, when Secretary Mayorkas took over, we didn't suddenly cut the ranks of the Border Patrol. They have roughly the same number as the last administration. So clearly, the size of the Border Patrol is not the reason for the massive surge in people, crime, and drugs. Not that we don't need more Border Patrol agents and not that we can't put money in certain places.

Some say it's technology, the systems. Perhaps it's the wall, or the absence of a wall. But, in all honesty, we didn't tear any wall down between the administrations. Granted, they stopped the production, but we didn't tear the wall down. Yet the people poured across the Southern Border, excess of 6 million people. Why?

The only thing that changed were 89 successful migration policies implemented by previous administrations, and I mean administrations, plural.

It seems like the migrant protection protocols, also known as Remain in Mexico, subversion of the actual laws written by Congress, which required attention, the policies working to deter crossings were offensive to this administration.

The companies that actually have the ICE detention contracts, companies like CoreCivic, tell me that they actually have a capacity of 25,000 people, yet ICE is only sending them about 8,000. You'd think that during the middle of a massive surge of people, those detention beds would be at capacity. Why aren't they?

They aren't detaining because Mayorkas knows that detention is deterrence. So, they're just processing people in, paroling them right away and sending them into our country. The phone calls go back to the countries of origin, telling their friends and families, Come on, the door is open.

The Interim Final Rule is a rule that Secretary Mayorkas is trying to change and actually remove the Judiciary branch from the

decision making on asylum, even though Congress passed the laws many, many years ago that said that Judiciary is to be involved.

Why would Secretary Mayorkas want to do away with the Judiciary? Why would he want to subvert laws written by this body, the Congress? It's because they want more people to come into the country.

Now their solution is an app, where whomever fills it out just automatically gets parole when they show up at the crossing site. That is in total contravention to what the law is passed by Congress about how people are to enter this country. I can see it now. Some drug cartel coyote, Hey, for an additional fee we'll fill the app out for you.

Secretary Mayorkas' budget, a detailed analysis of it shows they're not doing anything to increase Border Patrol in any significant amount, or increase technology. All it does is increase the funds—and I'm talking about billions of dollars—to process and ship people all over the United States. That's where they're asking for more money.

If you talk to the sector chiefs, they're going to tell you that you can't return people back to their countries, because the State Department has not renegotiated the return agreements. Why would the State Department not continue those agreements? It's because they want more people coming here in mass waves.

It's clear to me, in violation to the laws written by the U.S. Congress, passed and signed by previous Presidents, this Secretary of DHS wants nothing more than to flood the country with people.

The problem with that is it's empowered the narco, human trafficking, terrorist cartels, the drug cartels who just captured and killed a couple of Americans and are making billions—billions—bringing people into the United States, many of whom, once they're here, have to pay the cartels back with forced criminal labor.

The cartels put out advertisements all over the world, \$50,000 if you're coming from China; \$30,000 if you're coming from Iran, \$10- to \$15,000 if you're coming from Central America. Then they flood those people in mass waves, just like we saw in El Paso this week, compelling the Border Patrol to focus its resources at the points of entry. To use a military term, the cartels are neutralizing Customs and Border Patrol by forcing them to thin the lines in the rural areas. Then the fentanyl and the nefarious individuals they're trafficking into the United States come across in the rural areas.

Let's look at this El Paso mass wave that attempted to come across. It required a massive response from Customs and Border Patrol, concentrating our forces in their diversionary attack. I can only imagine what they snuck around the ports of entry while those agents were blocking the mass waves of people. You should go check out what the Twitter feed actually said or what the social media posts actually said. It was from the cartels.

In one sector on our border that is 30 miles long, normally 200 agents patrol that area. It's down to 7 men and women pulling 3 shifts a day to cover 30 miles. Why? Because the agents are moved to other parts of the border where their mass waves are coming.

Look at Yuma, great example. The video cameras placed by ranchers on the border show the cartel members in camouflage out-

fits wearing carpet shoes and backpacks full of fentanyl pouring into our country. Those folks aren't counted in the numbers.

So why 6 million people now? Why 100,000 dead Americans to drugs like fentanyl? Why massive crime on our border cities and now throughout all cities of this country? Why is every city and every State made into a border State? Because of the decisions, because of the incompetence, and because of the dishonesty of the Department of Homeland Secretary, Secretary Alejandro Mayorkas.

We're here to show the American people why. We're here to find solutions to this problem, despite a President who laughed when talking about a mother who lost two children to fentanyl, to a Secretary of DHS who seems to be OK with, one sector alone, 25 to 30 Chinese nationals being released into the country with verified connections to the Chinese Communist Party and the Chinese Army. That's happening.

You'd think with the situation so dire, that the Democrats would at least show up for the committee hearing. It's tragic that they aren't. That's the political stunt.

You'd think, with so many Americans dying as fentanyl pours into our country, as the drug cartels take operational control of our border, that Secretary Mayorkas would come up with something different than an app that further incentivizes people to pour into the country. But no.

The failure at the Southern Border is not about money, it's not about numbers of Border Patrol agents, not about technology, although all of those things are needed and we can do more and will do more. This massive crisis, this human tragedy is the result of decisions and the incompetence of this Secretary. I believe our hearing today will begin to show the process of how this has happened and why.

I want to take a second before I conclude and thank the men and women of Customs and Border Patrol, and thank our witnesses who are here today. They are doing yeoman's work.

I'm going to come off my—I'm going to take Chairman's privilege, Members, for just a second. As somebody who's been shot at in combat, I can tell you—who's lost friends in combat, I can tell you I understand a little. I don't understand a lot of it, because you're looking for sometimes a needle in a haystack. Your rules of engagement are significantly different than ours were, but I know what it's like to have the tracer rounds coming at you. I deeply, deeply appreciate your service and the service of the men and women who work for you. It is impressive what they do every day, despite these unbelievable challenges that have been forced on them.

Thank you all for being here. Thank you. That ends my statement.

[The statement of Chairman Green follows:]

#### STATEMENT OF CHAIRMAN MARK E. GREEN

Good morning, and welcome to the Committee on Homeland Security's field hearing in Pharr, Texas.

We came to Texas for this hearing for several reasons. To get Members of Congress and their staff out of the cubicles back in Washington, and down here to the border to see it for ourselves. You cannot read about being a doctor, and then go do brain surgery. My life experience has taught me, whether it was as an Army infantry commander, or a physician needing a CT scan before deciding a treatment



plan, or the CEO of my company, it takes the leader getting on the ground, seeing what's going on to make well-informed decisions.

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To me, bipartisanship is where you sit down together and debate the issues and talk to try to find common ground. You can't have bipartisanship if the other side fails to show up for their duty.

Now, in the Army when someone didn't show up, we called them AWOL—absent without leave. Their place of duty is in this hearing because it is a full hearing. And they are not here. They are AWOL.

And now to the reason we are here. Why is this crisis happening? Most of us here today are well aware of the tragedy at the border.

Four-point-seven million encounters, 1.3 million “got-aways”—we don't know who those people are, where they are, but in the encounter number we know drug seizures are up, individuals on the terrorist watch list are up. All at record numbers. Six million people. In just the 2 years of Secretary Mayorkas' reign at DHS, more people have come into this country than all of the 8 years of the Obama presidency and all 4 years of the Trump presidency combined.

Why? What's happened? What changed?

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In one sector on our border that is 30 miles long, normally 200 agents patrol that area. It's down to 7 men and women pulling 3 shifts a day to cover 30 miles. Why? Because the agents are moved to other parts of the border where the mass waves are coming. Look at Yuma, great example. And the video cameras placed by ranchers on the border show cartel members in camouflage outfits, wearing carpet shoes and backpacks full of fentanyl, pouring into our country. And those folks aren't counted in the numbers.

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I want to take a second before I conclude and thank the men and women of Customs and Border Patrol and thank our witnesses who are here today. They are doing yeoman's work. As somebody who has been shot at in combat, who has lost friends in combat, I understand a little. But I know what it's like to have the tracer rounds coming at you. But I deeply appreciate your service and the service of the men and women who work for you. It is impressive what they do every day despite these unbelievable challenges that have been forced on them.

Chairman GREEN. Now, we're pleased to have—and let me say this line that I'm required to say. Other Members of the committee

are reminded that opening statements may be submitted for the record.

We're pleased to have two distinguished panels of witnesses before us today on this very important topic.

I ask that our first panel of witnesses rise and raise their right hand.

Do you solemnly swear that the testimony you will give before this Committee on Homeland Security of the U.S. House of Representatives will be the truth, the whole truth, and nothing but the truth, so help you God?

Chief ORTIZ. I do.

Mr. CAGEN. I do.

Chairman GREEN. Thank you. Let the record reflect that the witnesses have answered in the affirmative.

I'd like to now formally introduce our first panel of witnesses.

Raul Ortiz has served as the 25th chief of the United States Border Patrol since August 2021. He oversees domestic border security operations outside of the ports of entry, including over 5,000 miles at our Northern Border and nearly 2,000 miles at our Southern Border.

He leads more than 20,000 Border Patrol agents and professional staff across the country in protecting our homeland, and we thank him for his leadership and his efforts to keep us safe.

Steven Cagen serves as the assistant director for homeland security investigations and leads the efforts to combat transnational organized crime. Mr. Cagen has worked on drug and arms trafficking and money laundering operations across our country and in Mexico over the long and accomplished 25-year career. We thank him for his service and we look forward to your valuable insights today.

I thank all of our witnesses for being here today. The witnesses' full statements will appear in the record, of course, as usual.

I now recognize Chief Ortiz for his opening 5-minute statement.

**STATEMENT OF RAUL L. ORTIZ, CHIEF, U.S. BORDER PATROL,  
U.S. DEPARTMENT OF HOMELAND SECURITY**

Chief ORTIZ. Thank you, Chairman and committee Members.

Thank you for the opportunity to represent the men and women of the United States Border Patrol and speak with you on the critical issue of border security. National security, enforcing our law, conducting humanitarian and rescue missions are not just a job. It is our sworn duty to secure our country and protect our communities.

I am honored to serve as the 25th Chief of the United States Border Patrol. As a third-generation veteran of the Armed Forces, I come from a family that was called to serve in uniform. My career spans more than three decades, from Border Patrol agent to leadership assignments all along the Southwest Border, along with two tours in Afghanistan and multiple stints in Washington, DC.

While the operational demands of the Border Patrol shifted over the course of my career, one thing remains absolute, which is the dedication, professionalism, courage, and conviction of the men and women of the Border Patrol. Every day that I get to put this uniform on fills me with tremendous pride, and it will remain my greatest honor.

It is well-documented in the data and covered in the media that the last several years were some of the busiest in Border Patrol history. In fiscal year 2021, over 1.6 million migrants were encountered; in fiscal year 2022, over 2.2 million; and so far this year we have seen over 900,000 encounters.

The migration flow represents challenges, and in some areas, a crisis situation. In the past 30 years, I have physically served in almost all the locations that experienced migrant surges, to include San Diego, El Centro, and the Rio Grande Valley in the nineties; Arizona in the early 2000's; and, again, in Rio Grande Valley and Del Rio during the last 10 years. Challenges and crises are nothing new to the Border Patrol, and I am incredibly proud of our personnel as well as our many partners.

Now, unlike in previous surges, we are seeing traffic, including large groups, spread across multiple locations instead of just one or two specific sectors. This places a tremendous strain on Border Patrol resources and our operational posture.

For a long time, investments to support border security operations have been structured around a three-legged stool: personnel, infrastructure, and technology. But changing conditions require a fourth leg, which is a processing enterprise. In just the last few years did we really start to invest in that fourth leg.

The processing enterprise is critical in addressing current operational challenges, and we are making significant investments, to include Border Patrol process coordinators, electronic A-File processing, our Unified Immigration Portal and contract services, allowing agents to return to the field and patrol the border.

When traffic shifts rapidly, I cannot adjust operations swiftly. When I reallocate resources and manpower, it comes at a cost to other locations. Today's border environment requires a whole-of-Government solution, to include international engagements, resourcing, and consequences, which could be in the form of legislative or policy adjustments. That is where I ask for your help. We need more options.

Before I close, I would like to address three issues that I am frequently asked about: First, our Horse Patrol Units. As a former Horse Patrol agent, I can attest to how vital Horse Patrol Units are in responding to remote and harsh locations.

Last year's mass migration event in Del Rio was chaotic. We had over 20,000 people show up in one place in a short period of time. Even so, we were able to provide food, water, and medical care without a single loss of life. I remain proud of the work of our Horse Patrol Units and what we did in Del Rio.

As the chief of the Border Patrol, I am ultimately responsible for all operational decisions. To that point, and as a senior field commander during that response, I accepted and continue to accept full responsibility for the actions taken.

Second, I am extremely proud of the 190 agents that responded to the horrific mass shooting at Robb Elementary School in Uvalde, Texas. Our agents ultimately made entry into the classroom, engaged the shooter, and provided critical medical care. We were there as a partner to our local and State counterparts, and did everything we could to support them. I continue to champion those

who demonstrated heroism to preserve life and render aid to that day.

Finally, I'm often asked about the morale and well-being of our work force. You have recognized the tremendous strain and pressure the border security situation has caused our personnel. We have seen a rise in suicides. Tragically, 17 CBP employees lost their lives to suicide in 2022. I often worry about the well-being of our employees, and I appreciate Congress' support for our resiliency programs.

While our mission and our agents continue to be the recipients of negative rhetoric, our resolve has never wavered. As a law enforcement organization, we strive to serve our communities, families, and fellow citizens with pride. Our national strategy is centered around organizational excellence, working with our partners, and building capacity to counter the criminal organizations and cartels operating in the border environment.

Again, thank you for this opportunity and I look forward to your questions, sir.

[The prepared statement of Chief Ortiz follows:]

PREPARED STATEMENT OF RAUL L. ORTIZ

MARCH 15, 2023

#### INTRODUCTION

Chairman Green, Ranking Member Thompson, and Members of the committee, thank you for the opportunity to discuss the U.S. Border Patrol's (USBP) critical operations at the Southwest Border. I am honored to appear today and represent the dedicated and talented men and women of USBP. As an operational component of U.S. Customs and Border Protection (CBP), USBP is committed to enforcing the Nation's laws, protecting our national security, keeping dangerous drugs and people from crossing our borders, and providing safe and humane conditions for those in our custody.

Since 1924, USBP has been entrusted with protecting the American people and promoting economic prosperity through our border and national security mission. Despite the myriad threats that we have confronted throughout our history, including smuggling, irregular migration, and terrorism, we continually learn, evolve, and mature to ensure excellence in protecting the homeland with professionalism while maintaining public trust.

#### *Current State of the Border*

Evolving global and regional events continue to produce challenging conditions and trends along the Southwest Border that directly affect USBP's border security operations. Most notably, we continue to respond to elevated levels of migrant encounters and adapt to changing migrant demographics, while also addressing the on-going and dynamic threat of transnational criminal organizations (TCOs).

Historically, most migrants USBP encountered were from Mexico and northern Central America. However, dynamic conditions along the Southwest Border indicate a changing demographic, one in which individuals and family units are migrating from countries much farther away. In fiscal year 2022, USBP encountered 2,214,652 migrants from 174 countries. In fiscal year 2023 to date,<sup>1</sup> USBP encountered 770,175 migrants from 142 countries.

USBP is committed to the safe and humane processing of all encountered migrants while also preventing the entry of illegal drugs and dangerous persons. In fiscal year 2022, USBP intercepted and seized 111,737 pounds of illegal drugs, including 18,348 pounds of methamphetamine, 12,469 pounds of cocaine, and 2,207 pounds of fentanyl.<sup>2</sup> USBP also encountered 12,028 subjects who had records of criminal histories, including 62 with homicide or manslaughter convictions and 365 with sexual offense convictions. We have ensured, and continue to ensure, that be-

<sup>1</sup> As of January 31, 2023.

<sup>2</sup> <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

fore any individual is released from USBP custody, he or she is vetted and screened and is determined not to pose a public safety or national security risk.

Increased numbers of migrants in USBP custody, combined with migrant demographics that make it more difficult to remove them from the United States due to complicated diplomatic relations with the country of removal, have led to logistical and operational challenges, especially concerning capacity constraints and care of migrants in processing facilities. However, USBP continues to work with our partners to help ensure efficient processing of all migrants in our custody.

While irregular migration levels have remained elevated for several years, there has been a marked decrease since the announcement of new border enforcement measures in January 2023.

Following the January 5, 2023, implementation of the new parole processes for nationals of Cuba, Haiti, Nicaragua, and expansion of the process for Venezuelans announced in October 2022, overall encounters of migrants at the Southwest Border declined. USBP encounters of individuals who entered the country between ports of entry at the Southwest Border in January 2023 totaled 128,410, down 42 percent from 221,675 in December 2022. This is the lowest monthly amount of USBP encounters since February 2021, when encounters began to increase following the severe impact the COVID-19 pandemic had on migration. Encounters have remained at similarly low levels in February.

USBP's ability to manage migrant flow has vastly improved through investments in personnel, facilities, processing efficiencies, and technological improvements. USBP also draws on past experience with migrant surges and other challenges as it plans for and adapts to emerging conditions to ensure we can remain focused on our border security mission.

#### IMPROVING PROCESSING CAPABILITIES

Once the Title 42 public health order ultimately ends, USBP will continue to use its full range of immigration authorities under Title 8 of the U.S. Code to process migrants encountered at the border, as we have done throughout our agency's history. Under Title 8, noncitizens who enter the United States without authorization are placed into appropriate immigration proceedings, including expedited removal or proceedings before an immigration judge where they may make a claim for asylum or other protection.

USBP has accelerated on-going efforts to improve processing operations by deploying additional non-uniformed support personnel; expanding capacity and improving conditions at processing facilities; investing in virtual and mobile processing technologies; and strengthening coordination with partner agencies and organizations. These initiatives expand USBP's capabilities and streamline operations to ensure the safe and humane processing of migrants while also relieving agents of non-enforcement duties.

##### *Increasing Non-Uniformed Support Personnel*

USBP deployed the first class of Border Patrol Processing Coordinators (BPPCs) in April 2021 to better meet the demands of processing noncitizens. BPPCs support Border Patrol agents with humanitarian care and intake processing of noncitizens and provide administrative and logistical support related to data entry and filing, personal property management, transportation, and welfare checks. These BPPCs have allowed agents to return to field work more quickly. To date, USBP has 961 BPPCs on board with more finalizing training and deployment. We have also expanded the use of contract personnel along the Southwest Border to include 429 contract security personnel for the Centralized Processing Centers (CPCs) and 565 contracted processors to handle data entry and management tasks; another 376 are pending deployment.

##### *Expanding Facilities and Services*

USBP continues to increase facility capacity and add short-term facilities at key border locations to reduce over-crowding and accommodate varying demographics of migrants encountered crossing the Southwest Border. CBP reopened the Rio Grande Valley CPC in McAllen, Texas, in March 2022 after extensive renovations which dramatically improved CBP's ability to process migrants encountered at the border in a safe, orderly, and humane manner.

Additionally, CBP announced the opening of a new soft-sided facility in El Paso, Texas, on January 11, 2023, which provides additional processing capacity for USBP's El Paso Sector. The facility is weatherproof, climate-controlled, and provides ample areas for eating, sleeping, and personal hygiene. Another soft-sided facility opened in the San Diego Sector on January 31. The new soft-sided facilities include wrap-around service contracts that provide sanitation, janitorial, food, and medical

services necessary to ensure appropriate conditions for migrants and USBP personnel.

The renovation of the McAllen CPC and opening of new soft-sided facilities are part of CBP's broader goal to safely process individuals CBP encounters, as well as increase capacity and improve facility conditions for migrants, agents, officers, and processing coordinators. We are also maximizing the use of air and ground transportation to move migrants from USBP Sectors that are over capacity to other less impacted CBP locations.

#### *Investing in Virtual and Mobile Processing Technologies*

Working with our partners, USBP is mobilizing and shifting personnel in anticipation of potential migration surges at the Southwest Border, providing resources to areas with the most need. USBP is also investing in virtual and mobile processing technologies that are making processing functions more efficient, allowing USBP to enlist the support of agents outside the Southwest Border region without requiring them to be physically present.

A key aspect of USBP's efforts to streamline processing operations is the Electronic Alien File (commonly referred to as an "A-File"). The initiative to make the A-File electronic will enable CBP, U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS) to share and maintain a single file in a digital environment. USBP recently completed the first phase of its implementation of the end-to-end digital A-file for subjects processed for a Notice to Appear (NTA). Based on the success of the first phase, USBP is planning to continue implementation of the fully digital A-file for the NTA disposition Nationwide in the coming months and to expand this capability to additional processes in the future. This transition will modernize USBP operations and lead to fully digital subject processing.

CBP will also increase access to, and promote use of, the Unified Immigration Portal (UIP), a centralized location where relevant immigration-related data from multiple agencies involved in the immigration process can be accessed. The platform delivers mission-critical information to users through dashboards, services, and data integration capabilities, facilitating expeditious processing of subjects and increasing visibility for interagency operations during surges.

#### *Coordinating with Partners*

Although a critical component, the USBP is only one part of the larger border security enterprise, and collaboration with our partners—foreign and domestic—multiplies the effectiveness of our border security. It is our responsibility to ensure we coordinate, as appropriate, operations with our partners to maximize their impact, while avoiding unnecessary disruptions or conflicts.

While the current border challenges are unprecedented in many ways, so too are the collaboration and joint efforts to address changing border conditions. USBP is a key component of the Department of Homeland Security (DHS)-led strategy to ensure a comprehensive and deliberative response to current and emerging conditions along our Southwest Border. The strategy involves surging resources; increasing efficiency to reduce strain on the border; employing an aggressive consequence regime; coordinating with non-governmental organizations (NGO's) in conjunction with State and local partners; targeting cartels and smugglers; and working with our regional partners. USBP is a key partner agency in DHS's Border Enforcement Security Task Force, which seeks to eliminate the barriers between Federal and local investigations, close the gap with international partners in multinational criminal investigations, and create an environment that minimizes the vulnerabilities in our operations that TCOs have traditionally capitalized on to exploit our Nation's land and sea borders. This comprehensive plan leverages a whole-of-government approach to prepare for and manage the current level and possible future increases in encounters of migrants at our Southwest Border.

USBP will continue to work with the DHS Southwest Border Coordination Center's Movement Coordination Cell (MCC), a standing interagency group charged with overseeing expedited processing and transfer of unaccompanied children and other vulnerable individuals out of CBP custody. The MCC, comprised of DHS personnel from CBP and ICE, as well as personnel from the Department of Health and Human Services' Office of Refugee Resettlement, was formed to facilitate communication and problem-solving among U.S. Government agencies to specifically address the flow of vulnerable populations. In addition, USBP appreciates critical ground and aviation support capabilities provided by the Department of Defense for detection and monitoring at the Southwest Border.

CBP is also communicating with various NGO's, including a range of non-profit organizations, faith-based entities, and others—both at and away from the border—

regarding appropriate care and transportation of migrants released from custody. Furthermore, we continue to work closely with foreign governments to conduct joint enforcement operations.

#### STRENGTHENING BORDER ENFORCEMENT

In anticipation of increased migrant encounters, USBP is focused on ensuring other security measures and enforcement programs are not circumvented or compromised by the response to emerging events. USBP's deployment of resources and technology enables it to gain awareness of threats and swiftly adapt processes to changing situations along the border.

##### *Combating Human Smuggling*

USBP's posture and response to migration events are informed by comprehensive analyses of information and intelligence on operations of smugglers and the movement of migrants. We are more effectively tracking movements of various migrant groups who may be headed toward the U.S. border and increasing investigation and prosecution of human smuggling networks responsible for unauthorized border crossings.

CBP launched Operation Sentinel, a new counter-network targeting operation focused directly on TCOs affiliated with smuggling migrants into the United States, in April 2021. More than 480 nonimmigrant visas and more than 300 Global Entry and SENTRI cards have been revoked since the launch of Operation Sentinel, and more than 20 businesses and associated entities have been targeted for suspension or debarment. Lookouts have been placed on 2,822 individuals associated with TCOs' illicit activity. More than 2,000 individuals involved in illicit money transactions have been identified and referred to interagency partners for law enforcement actions. Operation Sentinel refers all cases with potential prosecutorial interest to Federal and State investigative partners for review and prosecution.

Additionally, USBP supports the U.S. Department of Justice (DOJ)-established Joint Task Force Alpha initiative, which counters TCOs affiliated with migrant smuggling by targeting their members and associates. DHS and its components are working with DOJ to leverage joint investigative, prosecutorial, and capacity-building efforts to investigate and prosecute the most prolific and dangerous human smuggling and human trafficking groups operating in Mexico and northern Central America.

Migrant smugglers put vulnerable individuals and families in danger every day. The Southwest Border region experiences dramatic and unpredictable temperature changes year-round, meaning individuals lost or left behind in desolate areas are at risk of drowning, dehydration, heat stroke, injuries, or death. During fiscal year 2022, USBP agents rescued more than 22,075 individuals in a wide variety of circumstances. This critical work continues, and agents have conducted nearly 8,000 rescues already this fiscal year. CBP has increased the number of rescue beacons used on the Southwest Border and our CBP officers and agents continue to stand ready to provide life-saving assistance to all who need it.

##### *Interdicting Illicit Drugs*

USBP remains focused on the TCOs that continue to expand across and beyond the Southwest and Northern Borders and increasingly demonstrate their ability to illicitly transport synthetic narcotics, including methamphetamine, illicitly manufactured fentanyl, and fentanyl analogues. Most illicit drugs, including fentanyl, enter the United States through our Southwest Border ports of entry in privately-owned vehicles, commercial vehicles, and even by pedestrians.<sup>3</sup>

Between the ports of entry, CBP continues to experience high numbers of incidents involving illicit use of unmanned aircraft systems (UAS), commonly referred to as "drones," to facilitate unlawful movement of people and narcotics across the Southwest Border. TCOs and possibly Foreign State Actors use UAS to conduct unauthorized surveillance of CBP personnel and operations to pass information to contacts on the ground on where to guide noncitizens or transport illegal drugs to circumvent law enforcement. Sensor records, pilot and agent sightings, and other sources of information also indicate the increasing use of drones to transport illegal drugs and other contraband across the border. This illicit activity threatens the safety of our front-line personnel, poses a collision risk to our aircraft, and adversely affects our border security operations.

TCOs continually adjust their criminal operations to circumvent law enforcement detection and interdiction by adjusting their tactics, techniques, and procedures in the smuggling of narcotics that can be transported in profitable quantities by ad-

<sup>3</sup><https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.



vanced concealment techniques. Through intelligence gathering and analysis, advances in detection technology, counter network strategies, collaboration with other Federal, State, and local law enforcement agencies, and interdictions, USBP adjusts law enforcement operations to combat TCO illicit activity and disrupt their operations.

#### *Leveraging Technology and Supporting Agents*

USBP relies on effective surveillance of suspect activity along the land borders as a critical element of CBP's border security operations. In fiscal year 2022, USBP continued to deploy proven, effective surveillance technology, including aerostats, mobile surveillance capability systems, remote video surveillance systems, and integrated fixed towers tailored to specific operational requirements along the highest-trafficked areas of the Southwest Border.

USBP is also expanding its use of Team Awareness Kits, a digital tool that greatly enhances coordination and collaboration among response teams. This innovative solution enables tactical data to be generated, visualized, and securely shared. The tool facilitates daily operations for public safety organizations and allows different organizations which do not regularly communicate to maintain shared tactical awareness.

Technology is often regarded as a force multiplier, but it is meaningless without dedicated and skilled personnel to operate it. The men and women of USBP are our greatest asset, and their work is extremely demanding, both physically and emotionally. When planning and implementing any operational change or technological deployment, we assess and prioritize every opportunity to enhance the preparedness, safety, and well-being of the USBP workforce.

#### *Enhancing Resiliency*

CBP lost 11 colleagues to suicide in calendar year 2021, 15 colleagues in 2022, and 2 in 2023. One is too many. It was a tough year for the well-being of our agents. We need to continue investing in programs that provide direct support and communicate critical information to our workforce and their families, while improving our operational capabilities to allow agents to focus on their primary mission. Additionally, we, as an agency, need to work to identify the root causes of why we are seeing suicides at the current rate.

USBP recently began the Be the One campaign as a call for action to bring suicidal ideation to the forefront. We need to check in on each other, not just at work, but in life, and talk to and engage with one another in meaningful ways. We work long hours away from our families, so we need to take care of one another.

CBP leadership has directed that every CBP employee receive in-person suicide prevention training in 2023. CBP's Office of Training and Development, in partnership with the CBP Workforce & Resiliency Directorate and Dr. Kent Corso, developed a 3-day train-the-trainer course that started in January as part of the effort to reach all hands.

USBP has also directed that every employee completes a 2-day Basic Resiliency Skills Course by the end of calendar year 2023.

#### CONCLUSION

Although the continued elevated levels of migration over the last several years have presented many challenges, they have also led USBP to evolve, adapt, increase efficiency, and invest in our processing enterprise and technology. These investments, together with the resiliency, dedication, and professionalism of the men and women of USBP, enable USBP's continued mission success of securing our border and keeping the American people safe while providing proper care to those in our custody.

Thank you for the opportunity to testify today. I look forward to your questions.

Chairman GREEN. Thank you, Chief.

I will now recognize our next witness, Assistant Director Cagen, for 5 minutes to summarize his opening statement.

#### **STATEMENT OF STEVE W. CAGEN, ASSISTANT DIRECTOR, COUNTERING TRANSNATIONAL ORGANIZED CRIME, HOMELAND SECURITY INVESTIGATIONS, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

Mr. CAGEN. Chairman Green and distinguished Members of the Committee on Homeland Security, thank you for the opportunity to

appear before you and discuss Homeland Security Investigations' efforts to disrupt and dismantle transnational criminal organizations.

My testimony today will focus on HSI's effort to disrupt transnational criminal organizations at the border and beyond. As the principal investigative component of the Department of Homeland Security, HSI is responsible for investigating and dismantling transnational criminal organizations, or TCOs, responsible for flooding the United States with drugs, fueling the overdose epidemic.

To do this, HSI conducts Federal criminal investigations at every critical location in the illicit supply chain: internationally, where TCOs operate and manufacture illicit narcotics; at our Nation's physical borders, where smugglers attempt to exploit America's legitimate trade, travel, and financial systems; and in our communities, where criminal organizations earn substantial profits from selling poison to our friends, neighbors, and family members.

Criminal organizations in the 21st Century do not limit themselves to a single crime. The organizations have evolved beyond just narcotics smuggling and are now involved in associated crimes of weapons trafficking, human smuggling, money laundering, and more, all of which HSI investigates. HSI investigative efforts must be broad in scope to fully identify and dismantle these enterprises.

HSI combats TCOs by using unique and broad investigative authorities to enforce over 400 Federal laws and target TCOs from multiple investigative angles. This includes stopping TCOs from getting U.S.-origin weapons and seizing the money that motivates their crimes. Simply put, HSI attacks the entire illicit network.

HSI is a premier law enforcement agency best positioned to attack cartels and TCOs at each phase of the supply chain, to inflict maximum damage, resulting in cascading effects against illicit networks.

HSI's counter-TCO efforts begin abroad. HSI has the largest international investigative presence within DHS, comprised of hundreds of special agents strategically placed in 93 offices in 56 countries. This includes offices located in Mexico, where the vast majority of fentanyl is produced, and throughout the Asia-Pacific region, where precursor chemicals originate.

The effectiveness of our international counter-TCO effort is greatly enhanced by HSI's Transnational Criminal Investigative Units, or TCIUs, which are vetted teams, vetted law enforcement officers and prosecutors, who lead some of HSI's most significant extraterritorial investigations and prosecutions targeting TCOs.

Disrupting and dismantling the fentanyl and methamphetamine precursor chemical supply chain is an integral element to HSI's approach to stopping the flow of illicit narcotics. Cartels operate on an industrial scale when producing chemicals, and these precursors serve as oxygen the cartels need to manufacture their poison destined for America's streets.

HSI is attacking the illicit narcotic supply chain through an intelligence-based, counter-narcotics operation that blends traditional investigative and analytical techniques with interagency collaboration, industry partnerships, and computer-based tools to disrupt and dismantle the chemical supply chain.

The interdiction of precursor shipments plays a key role in disrupting the TCOs' ability to produce a finished product before it even gets to our borders. At our Nation's physical borders, HSI works with our DHS partners to combat the illicit TCO movement of illicit goods.

As CBP deploys its new technology at the Southwest Border ports of entry, it will likely increase the number of CBP-origin seizures. As a result, HSI will need additional staffing to support complex investigations and prosecutions to dismantle TCO threats to the homeland.

Domestically, HSI Border Enforcement Security Task Forces, or BESTs, represent one of the agency's premier tools in turning border seizures into TCO-toppling investigations. The primary mission of the BESTs is to combat the existing emergent TCOs by employing a full range of Federal, State, local, Tribal, and international law enforcement resources. There are currently 86 BESTs, comprised of approximately a thousand law enforcement officers from over 200 agencies and National Guard units.

HSI is dedicated to using its broad and unique authorities to stop illicit drugs at every critical location in the supply chain.

Thank you for the opportunity to appear before you and for your continued support of HSI and our enduring effort to attack illicit narcotic supply chains. I look forward to your questions.

[The prepared statement of Mr. Cagen follows:]

PREPARED STATEMENT OF STEVEN CAGEN

WEDNESDAY, MARCH 15, 2023

#### INTRODUCTION

Chairman Green, Ranking Member Thompson, and distinguished Members of the House Committee on Homeland Security: Thank you for the opportunity to appear before you today to discuss Homeland Security Investigations' (HSI) efforts to disrupt and dismantle transnational criminal organizations (TCOs). With more than 6,800 special agents located in hundreds of offices throughout the United States and the world, HSI investigates, disrupts, and dismantles terrorist, transnational, and other criminal organizations that threaten our Nation's security. My statement today will focus on HSI's efforts to stop deadly drugs from ever making it to the streets of the United States; its mission at the borders to turn individual seizures into cartel-toppling investigations; and its efforts to deny TCOs the illicit proceeds that fuel their operations.

As the principal investigative component of the Department of Homeland Security (DHS), HSI is responsible for investigating transnational crime. In collaboration with its partners in the United States and abroad, HSI special agents develop evidence to identify and advance criminal cases against TCOs; terrorist networks and facilitators; and other criminal elements that threaten the homeland. HSI works with prosecutors to arrest and indict violators; execute criminal search warrants; seize criminally-derived money and assets; and other actions with the goal of disrupting and dismantling TCOs operating throughout the world. These efforts help protect the national security and public safety of the United States.

HSI's investigative mission includes dismantling TCOs, which flood the United States with deadly drugs, including illicit fentanyl and other opioids. HSI conducts Federal criminal investigations at every phase of the illicit drug supply chain; internationally, where TCOs operate and manufacture illicit drugs; at our Nation's borders and ports of entry (POEs), where smuggling cells attempt to exploit America's legitimate trade, travel, and transportation systems; and in communities throughout the United States. HSI combats TCOs through multiple avenues of criminal enforcement. Not only does HSI target the narcotics smuggling activities of the TCOs, but HSI also targets the financial networks they utilize to fund and profit from their illegal activity and the firearms trafficking the TCOs undertake to support their violent activities. HSI also targets the various other illegal activities the TCOs employ

to fuel their criminal organizations, including human smuggling and trafficking, cyber crime, intellectual property rights violations, and fraud.

These criminal organizations have expanded beyond narcotics smuggling and have morphed into poly criminal TCOs involved in the associated crimes of weapons trafficking, human trafficking, human smuggling, money laundering, and other crimes—all of which HSI investigates. Rather than narrowly focusing on a single element of the TCO, HSI combats TCOs by using its unique and broad investigative authorities to enforce over 400 Federal laws by investigating a myriad of crimes. Investigative efforts must be broad in scope to fully dismantle enterprises that often transcend borders.

#### HSI INTERNATIONAL COUNTERNARCOTICS EFFORTS

HSI's efforts to combat synthetic drugs, such as fentanyl, begin abroad. HSI has the largest international investigative presence within DHS, comprising hundreds of HSI special agents strategically assigned to 93 offices in 56 countries. This includes offices located in Mexico, where the vast majority of fentanyl is produced, and throughout the Asia-Pacific region, where synthetic drug precursor chemicals often originate.

HSI takes a forward-leaning approach to identify and mitigate threats before reaching our borders and applies a multi-tiered, multi-pronged strategy, spanning international boundaries, and crossing all investigative program areas. HSI special agents abroad develop and foster relationships with host government law enforcement partners to exchange information; coordinate and support investigations; and facilitate enforcement actions and prosecutions to disrupt and dismantle TCOs that operate abroad but threaten the national security, economic prosperity, and public safety of the United States. HSI and its counterparts in other countries identify and disrupt sources of illicit drugs, transportation, and smuggling networks, and money-laundering operations. These efforts enable HSI and its partners to prevent dangerous narcotics and other illicit goods from reaching our borders and stop illicit outbound flows of illegally-derived currency and weapons.

#### *Transnational Criminal Investigative Unit Program*

The effectiveness of our international counter-narcotics efforts is greatly enhanced by HSI's Transnational Criminal Investigative Unit (TCIU) Program. TCIUs comprise vetted foreign law enforcement officials and prosecutors who support some of HSI's most significant extraterritorial investigations and prosecutions targeting TCOs. HSI has established 14 TCIUs around the world, including in Mexico, where the team is comprised of more than 40 officers and prosecutors from their attorney general's office. In fiscal year 2022, efforts by the HSI Mexico TCIU resulted in approximately 123 criminal arrests and the seizure of approximately \$1.1 million, 11,100 pounds of cocaine, and 18,200 pounds of precursor chemicals.

Targeting the fentanyl and methamphetamine precursor chemical supply chain is an integral element of HSI's approach to stopping the production of illicit drugs. These precursors serve as the fuel the cartels need to manufacture their deadly drugs destined for American cities and streets. Blending interagency and foreign collaboration, industry partnerships, financial data, and information technology tools, HSI identifies, targets, and interdicts precursor chemical shipments destined for Mexican cartels. Disruptions to the procurement phase of the narcotics production supply chain have an exponential impact on the drugs encountered at our border and on our streets. Mexican cartels operate on an industrial scale when procuring precursor chemicals, and the interdiction of these shipments has a profound effect on the number of drugs reaching our country. Many of these enforcement efforts are led by HSI's TCIU in Mexico, where, in addition to seizing precursor chemical shipments, they also lead investigations targeting the labs where the chemicals are synthesized into illicit drugs.

HSI's TCIUs are critical to preventing drugs from reaching our borders and yet face barriers to success. For example, HSI has the authority to pay salary stipends to TCIU members who serve on the front line of combating TCOs but lacks the appropriations to fully realize the legislative authority. HSI's inability to provide these stipends results in recruitment and retention challenges. The ability to pay salary stipends to TCIU members would enhance HSI's overall strategy and efforts to disrupt Mexican cartels' illicit precursor chemical supply chains.

#### *National Targeting Center—Investigations*

HSI's National Targeting Center—Investigations (NTC-I) was established in 2013 in collaboration with U.S. Customs and Border Protection's (CBP) National Targeting Center to further our shared border security mission. HSI's increased manpower and concerted efforts at NTC-I support the entire border security continuum,

from CBP interdictions and HSI investigations, to the joint exploitation of intelligence. Working in a collaborative environment at NTC-I, HSI provides support to all of DHS's domestic and international offices by targeting illicit precursor chemical movements within the air and maritime commercial transportation modalities.

The combination of NTC-I targeting and foreign action through HSI's TCIUs, is critical to stopping the flow of illicit drugs and dismantling TCOs. Using these resources, HSI targets the supply chains responsible for foreign origin shipments of precursor chemicals used in the illicit production of fentanyl and methamphetamine destined for Mexico. By blending interagency collaboration, industry partnerships, financial intelligence, and computer-based tools, HSI processes large volumes of data to identify precursor chemical suppliers and TCO procurers. HSI uses this information to target and seize precursor chemicals that are being transshipped through the United States or seized by its TCIUs abroad before the chemicals are converted into the synthetic drugs fueling overdose deaths. Thus far, this methodology has resulted in the seizure of approximately 3.3 million pounds of dual-use precursor chemicals used to manufacture illicit fentanyl and methamphetamine.

#### HSI DOMESTIC COUNTERNARCOTICS EFFORTS

The vast majority of the methamphetamines and fentanyl flooding American streets is smuggled across our border with Mexico. HSI special agents work every day with CBP officers to identify and investigate drug smuggling organizations attempting to introduce illicit contraband into the United States, and to seize such contraband. HSI's ability to conduct complex large-scale investigations represents one of DHS's best weapons for dismantling TCOs in a manner not possible solely through border interdiction efforts. Conducting criminal investigations resulting from arrests associated with border seizures is necessary for ensuring the rule of law; however, HSI's mandate is to turn these individual seizures into multi-jurisdictional, multi-defendant, complex investigations to disrupt, dismantle, and prosecute high-level members of TCOs.

CBP's expansion of non-intrusive inspection (NII) scanning at Southwest Border POEs is poised to increase the number of CBP-origin seizures HSI special agents are required to investigate. To keep pace, HSI will require additional staffing to support the investigation and prosecution of individuals associated with POE seizures. Recent HSI Congressional appropriations tied to NII expansion represent an important, albeit limited, initial step. HSI is moving quickly to deploy these new resources to Southwest Border POEs receiving NII augmentation. Given the required NII expansion to all land border POEs, additional staffing will be essential to ensure HSI retains adequate personnel to respond to these seizures and to conduct the complex investigations which degrade and remove TCO threats to the homeland.

#### *Border Enforcement Security Task Forces*

The Jaime Zapata Border Enforcement Security Task Force (BEST) Act was signed into law in December 2012. The Act was named in honor of Jaime Zapata, an HSI special agent who, while working to combat violent drug cartels, was killed in the line of duty in Mexico. This law amended the Homeland Security Act of 2002 to formally establish the BEST program, with the primary mission of combating emerging and existing transnational organized crime by employing a threat-based/risk mitigation investigative task force model that recognizes the unique resources and capabilities of all participating law enforcement partners.

BESTs eliminate the barriers between Federal and local investigations, close the gap with international partners in multinational criminal investigations, and create an environment that minimizes the vulnerabilities in our operations that TCOs have traditionally capitalized on to exploit our Nation's borders. There are currently 86 BESTs located across the United States, including Puerto Rico and the U.S. Virgin Islands, comprising nearly 1,000 law enforcement officers and personnel representing Federal, State, local, Tribal, and international law enforcement agencies, and National Guard units. In fiscal year 2022, BESTs initiated more than 5,300 investigations resulting in more than 6,000 criminal arrests and seizures of more than 317,000 pounds of narcotics, more than 480,000 pounds of precursor chemicals, and more than \$206 million of illicit proceeds and assets.

While much attention is given to the smuggling of narcotics across our Southern Border, illicit drugs continue to flow into the United States via international airports located throughout the United States. In addition to the use of drug couriers, TCOs continue to smuggle illicit narcotics destined for American communities concealed within express consignment and other parcels. In response, HSI established BEST units at international mail facilities (IMFs), express consignment hubs, and international airports acting as IMFs, as part of HSI's targeted response to the

opioid crisis. The IMF and express consignment environments are a particularly significant avenue for the smuggling and transshipment of fentanyl, opioids, and other illicit narcotics. The placement of BEST units at IMF's enables the immediate application of investigative techniques on seized parcels, which aid in establishing the probable cause needed to effect enforcement actions in the United States and elsewhere on individuals associated with fentanyl and opioid-laden parcels.

#### CYBER-RELATED EFFORTS

##### *Cyber Crimes Center*

TCOs and their illicit drug clients are increasingly tech-savvy. Many have adopted emerging technologies to replace hand-to-hand drug sales with anonymous cryptocurrency purchases facilitated through dark-net marketplaces. These transactions may involve foreign vendors, but the result is the shipment of drugs to or within our country. To keep pace with rapidly-evolving criminal techniques, HSI created the Cyber Crimes Center (C3) to provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes for DHS. C3 supports HSI's mission through the programmatic oversight and coordination of investigations of cyber-related criminal activity and provides a range of forensic, intelligence, and investigative support services across all HSI programmatic areas. C3 brings together highly technical assets dedicated to conducting trans-border criminal investigations of cyber-related crimes within the HSI transnational crime portfolio and authorities.

C3 performs an essential role in detecting, investigating, and preventing the sale and distribution of opioids and other illicit drugs on the dark web. With specialized capabilities, cyber analytics, and trained cyber investigators and analysts, C3 supports HSI on-line undercover investigations targeting market site operators, vendors, and prolific buyers of opioids and other contraband on the dark-net. C3 also provides critical support on tracing and identifying illicit proceeds derived from criminal activity on the dark web and investigating the subsequent money-laundering activities. Additionally, C3's Computer Forensics Unit and the HSI Computer Forensic Program are critical tools in combating the flow of drugs into the United States. From the efforts of our computer forensic agents and analysts in the field to seize, process, and analyze digital evidence, through the advanced technical solutions, such as decryption and accessing secure data, digital forensics play an ever-increasing role in investigating complex multinational narcotics organizations. C3's Computer Forensic Unit also provides forensic training and support to our State, local, Tribal, Federal, and international law enforcement partners.

A top priority for HSI is to improve collective law enforcement capabilities by providing training to partner law enforcement agencies. In response to initiatives to reduce opioid demand in the United States, C3 developed a cyber-training curriculum with a focus on dark-net investigations and illicit payment networks associated with opioid smuggling and distribution. This training has been successful in improving law enforcement capabilities against on-line marketplaces and tools for illicit trafficking. Since 2017, HSI has delivered this training course in over 70 locations world-wide to more than 12,000 State, local, Federal, and international law enforcement personnel.

#### ILLICIT FINANCE—FOLLOWING THE MONEY

Illicit drug sales in the United States continue to net tens of billions of dollars in illicit proceeds annually. One of the most effective methods for dismantling TCOs engaged in narcotics trafficking is to attack the criminal financial networks that are the lifeblood of their operations. HSI special agents identify and seize the illicit proceeds and instrumentalities of crime and target financial networks that transport, launder, and hide ill-gotten proceeds. As a customs agency with significant access to financial and trade data, HSI is uniquely positioned to identify TCO schemes to hide illicit drug proceeds within the stream of legitimate commerce; on vehicles, vessels, and persons departing the United States; or when crossing a digital border, such as the movement of funds electronically, including in the form of virtual assets like cryptocurrency. HSI's financial efforts in fiscal year 2022 resulted in 2,607 arrests; 1,600 criminal indictments; 1,028 convictions; and the seizure of more than \$4.2 billion in illicit currency and other assets (at the time of seizure).

##### *National Bulk Cash Smuggling Center*

Despite the rise of alternative stores of value, such as virtual assets, bulk cash smuggling remains a key mechanism for TCO repatriation of drug proceeds. Criminal actors often avoid traditional financial institutions, which must comply with Bank Secrecy Act reporting requirements, instead repatriating their illicit proceeds

through conveyances such as commercial and private aircraft, passenger and commercial vehicles, and maritime vessels, and via pedestrian crossings at our land borders.

Established in 2009, HSI's National Bulk Cash Smuggling Center (BCSC) is a critical component of the agency's and overall U.S. Government's efforts to combat bulk cash smuggling by TCOs. The BCSC operates strategic programs that leverage advanced data analytics, interagency partnerships, and law enforcement technology systems to identify complex money-laundering networks and provide support for HSI financial investigations. The criminal intelligence functions of the BCSC provide operational analysis in support of HSI-led interdiction efforts, including port profiles highlighting cash-flow activity at targeted POEs and corridor analyses to assist in planning the timing, location, and strategy for interdiction operations. The BCSC also administers a targeted, investigation-focused license plate reader program to identify larger criminal networks and a warrant-based GPS tracking program that provides valuable intelligence on the behaviors of criminal groups engaged in bulk cash smuggling. Since its inception through fiscal year 2022, the BCSC has initiated or substantially contributed to the seizure of bulk cash totaling over \$1.73 billion.

TCOs are increasingly augmenting bulk currency smuggling with use of alternate value platforms in response to financial regulations and law enforcement efforts to identify money-laundering networks. A single movement of TCO proceeds may involve bulk cash, stored value cards, money orders, cryptocurrency, wire transfers, funnel accounts, and trade-based money laundering (TBML). HSI adapts to evolving criminal methodologies by leveraging new law enforcement technologies to identify money laundering activity through these emerging alternate value platforms and seize criminal assets.

#### *Trade-Based Money Laundering*

TBML is the process of disguising criminal proceeds through international trade to hide their illicit origins. As the primary law enforcement agency that investigates TBML, HSI utilizes data resources, maintained by DHS encompassing trade, travel, and financial information, to identify TBML schemes. HSI has established several national initiatives that target specific TBML schemes and provides subject-matter expertise, analytical support, and enforcement-related support to HSI special agents. Specifically, HSI has the ability to intercept and interdict trade and individuals associated with TBML that have a nexus to the borders of the United States and provide the necessary information to initiate criminal investigations targeting this activity.

An integral part of combating TBML is the HSI-established Trade Transparency Units (TTUs), which combat the growing threat of international money laundering by TCOs via TBML. The TTUs accomplish this mission using partner country data sharing programs and the Data Analysis & Research for Trade Transparency Systems program. Through established partnerships, the TTUs have access to foreign trade, travel, and financial information used to support on-going criminal investigations and to address TBML on a global scale. These partnerships are based on bilateral agreements with the United States and 19 partner countries for the sharing of trade and financial information. Through the TTUs, HSI field offices can request information pertaining to companies and individuals that would otherwise be unavailable without the bilateral agreements.

#### *Cryptocurrency*

Cryptocurrencies are increasingly used to facilitate domestic and cross-border crime. HSI has seen nefarious actors use cryptocurrency in furtherance of a wide array of crimes HSI investigates. From individual actors to large-scale TCOs, cryptocurrency can be exploited by any criminal organization engaged in almost any type of illicit activity, and this is especially true as it pertains to the use of cryptocurrencies to facilitate on-line distribution of fentanyl, methamphetamine, and other dangerous drugs. Both at home and abroad, cryptocurrencies are being used to purchase illicit items such as drugs on dark-net marketplaces and to launder criminally-derived proceeds. Cryptocurrencies are attractive to TCOs because they offer a relatively fast, inexpensive, and pseudonymous system of transactions as compared to more traditional financial transactions. As such, HSI investigations related to cryptocurrency have risen from one criminal investigation in 2011 to over 230 criminal investigations in fiscal year 2021. In fiscal year 2022, HSI seized nearly \$4 billion in cryptocurrency (at the time of seizure). This substantial increase signifies growing confidence in cryptocurrency use by criminals and criminal networks.

## SOUTHWEST BORDER WEAPONS SMUGGLING

Another critical part of HSI's multi-discipline approach to combating the flow of illicit drugs into the United States includes combating the flow of illicit firearms and ammunition into Mexico. TCOs use corresponding southbound pathways to repatriate cash proceeds from illegal activities and secure sufficient armaments to remain a persistent threat to Mexican security forces.

Firearms smuggled from the United States into Mexico allow the TCOs to continue their deadly operations against our Mexican law enforcement partners and the local populace. In 2021, the government of Mexico estimated at least 342,000 U.S.-sourced firearms are illegally smuggled into Mexico every year. Mexico's National Public Security System reported 34,515 intentional homicides with 70 percent involving firearms in 2020. During this period, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) performed traces on 19,762 firearms recovered in Mexico. ATF checks determined at least 67.7 percent were sourced from the United States with over half traced to a retail purchase.

*Operation Without a Trace*

HSI uses its customs authorities to target procurement networks responsible for smuggling U.S.-origin weapons into Mexico. This includes Operation Without a Trace (WaT), a unified DHS effort to fight the illegal trafficking of firearms and ammunition from the United States into Mexico. WaT is a Federal partnership among HSI, CBP, ATF, and the government of Mexico focused on the illicit purchase, transport, and distribution of firearms, firearms components, and ammunition from the United States to Mexico. WaT is a whole-of-government effort recognized by the National Security Council to combat this threat. WaT's three-pronged approach leverages intelligence, interdiction, and investigative assets to identify, disrupt, and dismantle TCOs trafficking firearms. In fiscal year 2022, WaT partners initiated 272 criminal investigations resulting in 302 arrests, and the seizure of 514 firearms, 1,019 magazines and more than 284,175 rounds of ammunition, all destined to TCOs in Mexico.

## CONCLUSION

HSI's unique border authorities and dynamic, multi-tiered, multi-pronged strategies to combatting TCOs allows us to pursue impactful investigations to attack all aspects of these organizations. While our collective efforts are executed with diligence and a commitment to public safety, work remains at all levels—internationally, at the border, and throughout the United States. It is imperative HSI has the resources necessary to continue to remain at the forefront of the fight against transnational criminal organizations and their illicit activities.

Thank you again for the opportunity to appear before you today and for your continued support of HSI and our enduring efforts to dismantle TCOs throughout the world. I look forward to your questions.

Chairman GREEN. Thank you, Mr. Cagen.

Members will be recognized by order of seniority for 5 minutes of questioning. An additional round of questioning may be able if we have the time today after Members have all been recognized.

I now recognize myself for 5 minutes of questioning.

Chief Ortiz, does DHS have operational control of our entire border?

Chief ORTIZ. No, sir.

Chairman GREEN. OK. Thank you for that. I'd like to share with the American people, this is the actual definition of operational control that is in the Code, written into the Code well before I came to Congress, the definition. I appreciate the honesty of Chief Ortiz.

Do you think that—let's play a video clip here. I just want to share this question.

[Video shown.]

Chairman GREEN. Chief Ortiz, do you think that Secretary Mayorkas is lying there?

Chief ORTIZ. Sir, when you talk about operational control, about 10 years ago we used operational control as a measuring stick of



our effectiveness along the Southwest Border. My new strategy is geared toward mission advantage.

Chairman GREEN. So you know I'm asking a very specific question.

Chief ORTIZ. Yes, sir.

Chairman GREEN. You're kind-of describing how the goal post has been moved because of the mass waves of people that are coming.

My question, you heard the Secretary. He said we have operational control. That's the definition of operational control.

Chief ORTIZ. Based upon the definition you have, sir, up there, no.

Chairman GREEN. We don't have operational control.

Chief ORTIZ. No, sir.

Chairman GREEN. But is Secretary Mayorkas lying?

Chief ORTIZ. I don't—I didn't see the rest of the testimony there, sir.

Chairman GREEN. He was asked—you saw. He was asked——

Chief ORTIZ. At what point of the question?

Chairman GREEN [continuing]. If we had operational control, and he said yes. I think it's either ignorance, which is unacceptable, or it's lying.

Four-point-seven million alien encounters, 1.3 million got-aways, a record number of individuals on the terrorist watch list, a record number of criminal alien encounters, a record number of aliens with gang affiliation encounters, a record number of drug seizures.

Do these numbers project confidence to the American people that DHS has operational control?

Chief ORTIZ. I will tell you I have confidence in the men and women that are executing the mission out there to the best of their ability.

Chairman GREEN. Now, I appreciate that.

Chief ORTIZ. We've seen across the Southwest Border 9 sectors, and out of those 9 sectors, 4 of them have significant resources, when you think about the double-layer fencing, some of the surveillance technology, and then the amount of agents we deployed.

But in 5 of those 9 Southwest Border sectors, we have seen an increase in flow, and that has caused a considerable strain on our resources and really has forced the Border Patrol to move agents and even migrants to some of the other areas.

Chairman GREEN. Yes. I pointed that out in my statement too, that the cartels have figured out if they flood certain areas, you've got to shift resources, and that's allowing them to have free rein. That, to me, is the cartels controlling the Southern Border.

Is that—I mean, think about it, think about it for a second like—like you're a military guy and that's the perimeter, right? Do the drug cartels have control of sections of the perimeter of the United States?

Chief ORTIZ. I will tell you that in certain areas, the cartels control an awful lot on the Southern Border south of the United States. Our men and women are out there. I just spent the last 3 days here in south Texas patrolling with some of our agents, and they're doing a phenomenal job of responding to traffic that's com-

ing across that border. That plays out across the entire Southwest Border.

Chairman GREEN. You and I both deeply respect the men who work for you, and I think they're doing yeoman's work. I've talked to, you know, sectors where they're pulling 90 hours a week. These guys are killing themselves, literally. Seventeen of them have committed suicide, because they've been overwhelmed.

Why is this huge surge here? What's the cause? What's the difference? You were here under the last administration, during COVID, all the excuses that have been given. So what changed?

Chief ORTIZ. Several things have changed I think across the world, if you think about it this way. This is—we've seen individuals from 159 countries already this fiscal year.

Chairman GREEN. So why do they feel suddenly, after January 2021, that they can come here?

Chief ORTIZ. I would think that—we have what we call push and pull factors. Some of those push factors are certainly going to be economic conditions in their host countries.

Chairman GREEN. Those were there before, Chief.

Chief ORTIZ. Yes, sir.

Chairman GREEN. I mean, they were there before. Hurricanes happened in Central America before. What changed?

Chief ORTIZ. I think as you look at the United States and what we're experiencing now with the economic conditions that we have here, when you think about the health conditions that we have here, we're in much better position than most of the countries that we're dealing with just ourselves.

Chairman GREEN. Again, just I would assert to you that all that was there before January 2021. COVID was there before 2021. The economic challenges were there before 2021. I would submit to you that it's two things, and your sector chiefs have told me what they are:

No. 1, they're the policies, and those policies came from the promises the President made during his campaign. No. 2, the State Department has allowed the return agreements to expire.

Not renegotiating those agreements has prevented ICE from being able to send people back. Is that not correct?

Chief ORTIZ. I will tell you, our inability to repatriate individuals to certain countries is a tremendous challenge for us, and I would agree with that.

Chairman GREEN. Failure on the administration. Thank you.

I yield. I've taken a little extra time. My apologies to my colleagues.

I'll now recognize Mr. Higgins for his comments and questions.

Mr. HIGGINS. Director Cagen, it's good to talk to you, sir. God bless you. I hope you and your family are well.

I want to talk to you about China and Chinese nationals crossing the border, and HSI's involvement regarding those individuals.

It's noted that there's an increase in Chinese nationals apprehended at the Southwest Border, and we know that many of the precursors that are used to create fentanyl are made in China. A lot of fentanyl entering our country originates in China. Now we're seeing an increase in Chinese nationals being captured, which

means there's an increase in Chinese nationals that are not being captured.

It's been presented to me, it's been posited that the Chinese that are effectively evading law enforcement at the border and entering into our country recognize that over the course of the next couple of years, Republicans are going to take very aggressive actions to gain control, operational control of our border, and shut down this wide-open trafficking that they're currently enjoying.

So it's been posited to me that the Chinese nationals that are crossing into our country include scientists that are coming into America to connect with established criminal networks to bring their laboratory, to build laboratories here.

Are Chinese nationals—is HSI looking into this? Are Chinese nationals entering America illegally to connect with established criminal networks and bring their laboratory capabilities here into the continental United States, because they know the day is coming where we'll have a Republican President and we'll regain control of the border?

Mr. CAGEN. Representative Higgins, thank you very much for the question. Good to see you as well.

As it pertains to, you know, the human smuggling of Chinese nationals and the narcotic side of it, our investigations—as you know, we're an investigative agency. Our investigations and intelligence show that those are two separate situations.

We see, when it comes to China, that's the beginning of the illicit supply chain of fentanyl. We know, you know, we don't have the visibility that we need, of course, into China, but as an investigative agency, we have the visibility of precursor chemicals as they leave Chinese ports to venture across the water into Mexico. Eventually, those precursors will end up in Mexican labs where the actual pills are produced.

That's what HSI does. That's where we are strong, and that's where we're critical to this entire supply chain, which is attacking the supply chain at those critical nodes. We can stop the container ships full. I mean, we're talking container ships. We seized, I believe, it's a little bit over 3.3 million pounds of precursor chemicals coming from China entering into Mexico.

When those precursors enter into Mexico, what we do is try to stop them from getting into the labs in Mexico, where it's synthesized, right? That's where the drugs are produced. That's where the cartels are producing it.

We utilize our Transnational Criminal Investigative Units, which we have a very robust and strong Criminal Investigative Unit in Mexico, Mexican prosecutors, Mexican officials working with us. As I've said multiple times in open hearings, they're working on behalf of the American people.

So what we utilize is their efforts, intelligence community, and our efforts in order to stop these drugs from coming into the United States and push our borders out to try to alleviate the pressure on our DHS partners and friends so they're not feeling so much of the fentanyl coming in.

But, to answer your question, we do not see the link, investigatively or intelligence, right now, of the human smuggling aspect as it pertains to the fentanyl coming in from China.

Mr. HIGGINS. Well, we'll talk further about that in person.

Mr. Chairman, I don't see a clock. How much time?

Chairman GREEN. We have one right here.

Mr. HIGGINS. Chief, it's good to see you again, sir. God bless you. I hope you and your family are well.

These are difficult times that we face to enforce the laws of our land as we've sworn an oath to do so. You're at the point of that spear, and to a great deal, you know, you're held responsible. I think you're a responsible man.

I would like you to in my remaining no time just answer this question regarding commands that are coming down from Secretary Mayorkas.

It's come to our attention that many commands that ultimately arrive at the field level don't have much of a paper trail. They've been communicated verbally. If you could speak to that. How does that relate to our Aerostat techs? Why are the Aerostats down? That's a DOD cooperative operation. They worked. Why are they down? I was told in January they were being pulled down for the first quarter.

Chairman GREEN. I'll give you a real quick 30 seconds, Chief, to answer that. Sorry.

Chief ORTIZ. Thank you, Chairman.

Good to see you again, Mr. Higgins.

I will tell you that with respect to the chain of command, both ICE, myself, and our DHS partners meet quite regularly with the Department, more specifically with the Secretary. We have constant conversations and dialog about on-going operations. Certainly, he's made multiple trips down to the Southwest Border.

So I do appreciate the level of support I get from both our commissioner, Troy Miller, and Secretary Mayorkas, with respect to some of my requests on capacity building and making adjustments to our operations in the field.

With respect to the Aerostats, that's a very expensive program, \$4.6 million for each one of those Aerostats. We have four of them deployed here in south Texas. They're doing a phenomenal job. We are looking at alternatives to be able to use similar like technology that may be less expensive. Then we're going to try and do everything we can to incorporate that into our normal operations.

Mr. HIGGINS. Thank you. Thank you.

Chairman GREEN. I'll now recognize Vice Chair Guest from Mississippi.

Mr. GUEST. Thank you, Mr. Chairman.

To both of our gentlemen, thank you for being here. Thank you for the men and women that serve under your command. I want you to know that the frustration and the anger that you may feel today is not directed at you personally, and it's clearly not directed at the men and women that serve under you, but it is directed at this administration, which has not only failed the American public, but has failed the officers that serve with you.

Chief, I want to expand a little bit on something that Chairman Green touched on. He talked about operational control of the border. I think you were very candid when you said that we do not have operational control of the border.

I want to follow that up with a question: Is the border secure? We have heard repeatedly from Secretary Mayorkas when he has testified before this hearing, he has told myself, he has told Congressman Bishop that. We heard him tell Congressman Roy in a Judiciary Committee the same thing.

We've heard the Vice President say that. The Vice President said in an interview with Meet the Press, when asked by Chuck Todd, she said: "The border is secure, but we have a broken immigration system." Then she went on to say: "We have a secure border, and that is a priority for any Nation, including ours and our administration, but there are still a lot of problems."

So my question to you, Chief, is: Is the border secure?

Chief ORTIZ. Thank you, Congressman. I will tell you that I'm responsible for the Northern Border, I'm responsible for our coastal sectors, and I'm responsible for the Southwest Border.

I'm going to break it down real quick. The Northern Border, I have 8 sectors up on the Northern Border, and I've got one sector that is experiencing an awful lot of influx of migrants from Canada. I went to Ottawa, Canada, about 4 weeks ago, met with my RCMP partners, and we're addressing that threat. I've got 25 additional agents deployed up there.

At one point, I had 854 officers deployed from the Northern Border to the Southern Border to help with the situation that we were encountering. I no longer have to do that. Out on our coastal sectors, I've got—

Mr. GUEST. I'm not—I don't want to cut you off, Chief, but my time—is the Southern Border secure? Let's not—I'm not worried about the Northern Border. Let's talk strictly about the Southern Border. Is it your testimony that it is secure or is not secure?

Chief ORTIZ. When you look at the Southwest Border, I have 9 Southwest Border sectors from San Diego to here to south Texas Rio Grande Valley. Out of the 9 Southwest Border sectors, I feel like the men and women are doing a phenomenal job in 4 of them with respect to the amount of flow and the processing that we are encountering on a daily basis.

Five of those Southwest Border sectors are experiencing a higher level of flow than we have seen previously, and that creates some unique challenges for us and it puts a strain on the overall immigration system, not just for myself but for our partner agencies, for our sheriff departments, police departments.

So, I have to move resources into those 5 Southwest Border sectors, and that forces me to make some adjustments across the entire 2,000 miles of the Southwest Border.

Mr. GUEST. All right. So I'm taking it then it's your testimony that 5 of the 9 sectors on the Southwest Border are not currently secure.

Let me ask you if you'd agree with this statement. This is a statement of Colonel McCraw with the Texas Department of Public Safety. He will be testifying in the second panel. I'm sure you know him well and you work very closely with him.

He, in his written statement, said that: "It is the assessment of the Texas Department of Public Safety that the most significant public safety and homeland security threat to Texas and our Nation is an unsecured border with Mexico."

He goes on to say—and, again, this is not directed at your men individually, but more at the administration—“The Federal Government has failed to do its constitutional duty and secure the border. This failure comes at the detriment of our citizens and the benefit of the Mexican cartels.”

Of course, we have seen Mexican cartels become extremely active in human trafficking and drug smuggling. We saw the Gulf cartel kill two Americans, shot another, just recently south of Brownsville.

Of course, we saw very disturbing images this week of the mass surge there at the El Paso port of entry, where I believe there were roughly a thousand immigrants who tried to surge into the United States.

So my question is: Do you agree with the statement of Colonel McCraw when he talks about that this is a public safety threat and a threat to homeland security?

Chief ORTIZ. Yes, sir, I do agree with Colonel McCraw.

I have an excellent relationship with the State of Texas. We continue to work those partnerships, both with our sheriffs, our police departments here in Texas and across the Southwest Border.

I will tell you this, though: When you think about a secure border, right now we’re experiencing about 4,800 apprehensions a day in a 24-hour period. Our agents are doing a phenomenal job across the entire Southwest Border managing that.

I’m not having to decompress flights like I was having to do 3 and 4 months ago. We’re able to repatriate more individuals to their host country now than we ever have, 31 flights last week, 35 flights this week. We need to continue these consequences in order to effect the right response and the right affect across these border situations.

Mr. GUEST. Chief, I know I’m out of time, but you and I were in a hearing in the District of Columbia on Tuesday. With us was an admiral from the Coast Guard. That admiral testified that mass immigration is a national security issue.

Do you agree with his assessment?

Chief ORTIZ. Yes, sir.

Chairman GREEN. I now recognize Mr. Bishop of North Carolina.

Mr. BISHOP. Chief Ortiz, I think you came in here to tell the truth today, sit down and offer some candor to this Congressional committee. I want to start off by telling you that that is a breath of fresh air, and it is inconsistent with what I’ve heard over and over from administration officials so far.

You have candidly acknowledged in responses to questions already that we do not have operational control of the border. You effectively acknowledged that the border is not secure on much of the Southwestern Border.

I think you might be trying to walk a fine line, because you want to be—you don’t want to be insubordinate to your superiors. But if there has ever been a time for candor to a Congressional committee, it is right now. I’m going to ask you about the cause.

You’ve continued to—your written testimony—I’m sure that’s substantially prepared or revised in Washington—starts off: “Evolving global and regional events continue to produce challenging conditions and trends along the Southwestern Border.”

You say you trace the beginning of the fantastic climb in illegal immigration across the border to COVID. I heard you say earlier today, changing conditions.

Chief, in fiscal year 2020, the policy was detain and remove. The entire objective was to avoid releasing any illegal immigrant for any reason. In 2021, Secretary Mayorkas, the new administration gutted, all of those policies, MPP, safe third countries, family detention, asylum bars, T42 for minors, et cetera. Record numbers resulted. Record numbers followed, let me say that, because I'm going to ask you whether it was a result or cause.

Be it parole, NTA, NTR, et cetera, illegals are apprehended by Border Patrol but allowed to remain nondetained in the United States.

Now, I want some candor, Chief. Do you acknowledge, as the Chief of the Border Patrol, that the driver of the crisis that you have described of this dramatic change in flow is the policy of this administration to release instead of detain or remove illegal immigrants? That's my question.

Chief ORTIZ. Congressman Bishop, thank you for the question. I will tell you that law enforcement is pretty simple, sir. You have to have capacity and you have to have consequences. Any time you don't have consequences, you're certainly going to see some increases.

We continue to try and repatriate individuals back to countries that we can repatriate, but it's been a challenge for us, because what we saw this past year were individuals from Cuba, individuals from Haiti, individuals from Nicaragua, where we have a difficult time repatriating.

It's not my responsibility. I work closely with my ICE partners to make sure that we are able to expel or, you know, return individuals back to their host countries, but it has been a significant challenge for us. I do think that has been a driver of some of the increases that we have seen.

Mr. BISHOP. So you've attenuated that a little bit, Chief. I appreciate again, and I think you've been candid in that answer, but you've attenuated it. It's a driver of some of the increases.

Sir, we're all familiar with this chart. I mean, we see it in our sleep, right? I came into Congress down here in fiscal year 2020, and I visited as soon as I came down. I came down to the border then and I saw the empty port-of-entry station where nobody was in there flooded. You've seen the films from back in May.

Here's where we are now, sir. That was December, worst in history. We've been up in that territory for years. There's always been a billion people live on less than a dollar a day, as Chairman Green said.

The cause is the change in policy, is it not, sir? Will you be candid enough to be unequivocal and clear that that has driven the change?

Chief ORTIZ. I will tell you, sir, that when I was a deputy chief and the acting chief down here in 2014, you know, a lot of people described what was happening here in south Texas as a humanitarian crisis, a border crisis. I was very candid and I said that I think we have a bit of a policy crisis.

I still hold true that we have some policies in place where we need to ensure that the men and women out there patrolling the border, investigating these criminal cartels are actually allowed to do their job each and every day.

Mr. BISHOP. Their job is to detain or remove illegal immigrants?

Chief ORTIZ. Yes, sir.

Mr. BISHOP. You've talked about—and your—look, I want to say this: Your pride in the men and women you lead—and I know what the circumstances is that compels you to come in here and show this level of candor to this Congressional committee, and that's the men and women that you're serving, because they're under stress like they've never seen.

It is an abomination. It is despicable that people in Washington would set policy that would cause that to those men and women, and that would cause the inhumane destruction of lives that you see to migrants who are coming over in these conditions, and that would cause the devastation that's spreading throughout the United States in consequence of that.

I want to thank you for telling the Congress what your duty compels you to tell us, which is the truth. Thank you, Chief Ortiz.

Chairman GREEN. The gentleman yields.

I recognize Mr. Gimenez from Florida.

Mr. GIMENEZ. Thank you very much.

Thank you, Chief Ortiz, for your candor. I really—you're in a tough spot, OK, and I know.

I have a question for you. Supposedly, we have 1.3 million get-aways that we know of. What is your estimate of the people that we don't know about that got away?

Chief ORTIZ. Thank you, Congressman Gimenez. Good to see you again, sir.

I will tell you that the got-away number is a number that, for a long time, was associated with art. It was our agents out there actually cutting swathes of country and using, you know, footprints as an indicator as to what we were seeing out there. That was our situational awareness.

With the investments that this Congress has made into the Border Patrol, CBP as a whole, we have greater situational awareness now than I've ever had. My confidence level in that got-away number continues to increase. Is it 100 percent? No, sir.

At 385,000 got-aways so far this fiscal year, we continue to refine that number. I've got to do a better job of accounting for the actual encounters—

Mr. GIMENEZ. Chief, Chief, I have—I have limited time. I just need a number. What percentage of the 1.3 that you know got away, how much more do you think got away that you don't know about?

Chief ORTIZ. In my estimation, based upon the situational awareness that I have, it would probably be between 10 and 20 percent, sir.

Mr. GIMENEZ. More?

Chief ORTIZ. Yes.

Mr. GIMENEZ. OK. Thank you.



Mr. Cagen, HSI. I equate the chemicals coming from mainly China as being the weapons. Then I equate the cartels as being the soldiers.

You spoke a lot about the weapon, trying to stop the flow of the drug or the precursor chemicals, et cetera, et cetera. I didn't hear much about the soldiers, the cartels themselves.

What are you doing about the soldiers?

Mr. CAGEN. Thank you for the question. Good to see you again.

The cartels, the TCOs as a whole, we investigate them together. So you're breaking it up separately. We don't break it up separately, because one needs the other, back and forth.

The work that we're doing to go after the cartels in Mexico and push the borders out is definitely done on the ground with our men and women, our men and women within all of the U.S. Government and our partnerships.

One thing that we are strong with is the partnerships with Mexico. I do understand that over the years different political pressures in different areas swing, but on the ground, as HSI, working with our partners, we have great partnerships, a huge vetted unit that is very strong.

I believe it's just around 60 active criminal investigations on the drug cartels as we speak today, and they're very strong in how they operate.

Mr. GIMENEZ. Are they being—is that being conducted investigations in Mexico? Are they going to be charged in Mexico? Are they going to be charged in the United States? Where are these—where are these soldiers going to be charged?

Mr. CAGEN. It depends—it depends on the investigation, the level of the investigation, whether it's the leaders of the cartel, whether it's the henchmen, whatever it may be. It depends on where they're prosecuted.

We extradite people often to serve—to come in front of a jury here in the United States, but we also then help—and this is why we're so strong with our Mexican partners, because we work cases that are mutually beneficial. So if they're trying to go after corruption—

Mr. GIMENEZ. Again, I only have limited time and I need to get to some points that I want to make. Sorry. Sorry to cut you off.

Mr. CAGEN. That's fine, sir.

Mr. GIMENEZ. OK. Would it surprise you, according to the *L.A. Times*, Mexican overdoses, people that died in Mexico, OK, numbered something like 1,700 in 2020? They numbered over 100,000 here in the United States.

Even taking into account the difference in population, by my math it's like 25—we are more—25 times more likely to have an overdose death in the United States than we are in Mexico, which seems kind-of strange to me, seeing that that's where the stuff is produced.

So it's one of two things. Either they're vastly underreporting the overdose deaths in Mexico, which then would make the Mexican people go a little bit—be perturbed at their leadership for not doing something about it, or there's something going on, some kind of unwritten rule that maybe they produce it there and they don't really sell it there, they don't push it there, but they do push it up here.

So I'm really disturbed about that. So these numbers continue to rise. We don't have control of the Southern Border. The testimony from the chief says that the cartels now control the Southern Border, many portions of the Southern Border, and these soldiers are killing 100,000 Americans.

So I'm not sure what it is that you're doing, but whatever you're doing I don't think it's enough at this point. Sorry. Thank you. My time is up.

Chairman GREEN. The gentleman yields.

I recognize the gentleman from Texas, Mr. Pfluger.

Mr. PFLUGER. Thank you, Chairman.

America, wake up. Look over here to the side, to the colleagues that should be here, to my Democratic colleagues. How disrespectful is it?

Chief, thank you for being here. Director, thank you for being here. Please tell everyone in your organization thank you for their service.

It's extremely disrespectful of my Democratic colleagues to not be here, to not support those who would put their lives on the line to keep our country safe. America needs to wake up to that fact.

Chairman Thompson said last year that he would have a border hearing and he never did. Now he's been—he's acting as a partisan agent.

Chief Ortiz, we were in Del Rio under that bridge together with the 20,000 Haitian migrants. We've been in El Paso together. We've been here together. You've mentioned that we don't have operational control of the border, that in over 50 percent of the Southwest Border that it's not secure. You've talked about capacity and consequences.

My question for you is: Have you shared, as the expert—I'd like you to channel that first and second year Agent Ortiz, Officer Ortiz, the tactical expert—have you shared your recommendations of how to secure the border with Secretary Alejandro Mayorkas?

Chief ORTIZ. I will tell you that the Secretary and I have candid conversations about what's happening on the Southwest Border, and we are exploring every opportunity to make sure that we continue to add capacity for the men and women out there.

So, in answer to your question, yes, I have shared my operational experiences from the last 32 years with the Secretary.

Mr. PFLUGER. So one of those has been consequences. Every agent that I talk to, hundreds of agents that work within CBP have mentioned that they don't believe that there are consequences, that they don't believe. You've mentioned the repatriation flights.

Is the Secretary listening to your recommendations? Because it certainly appears that that's not happening.

Chief ORTIZ. Yes. I will tell you that the Secretary and myself have increased the consequences for criminal aliens. We've seen more criminal aliens apprehended in the last 24 months than we've seen previously.

We continue to prosecute, work with our DOJ partners and our AUSAs across the Southwest Border. We sit at about a 93 percent acceptance rate. It's certainly not enough. We need to add more capacity, we need to have more Assistant U.S. Attorneys, we need to

have more prosecution agents so we can ensure that we instill those consequences that you described.

But I will say that we have increased the level of prosecutions across the Southwest Border in the neighborhood of about 35 percent. So, that needs to continue, sir.

Mr. PFLUGER. Chief, when you look at the cartels and the fact that they're making billions of dollars off of the human trafficking, the smuggling of drugs, the humanitarian crisis—53 people died in a tractor-trailer in July of last year south of San Antonio, not too far from here—do you believe that the cartels are acting as a terrorist organization?

Chief ORTIZ. Whether they're acting as a terrorist organization or a criminal organization, I think that the Border Patrol, CBP, DHS, all of our partner agencies need to concentrate their efforts against the cartels, because they certainly are working both in the human trafficking arena as well as the narcotics trafficking arena, and we recognize that they have expanded their capabilities immensely. So, I think it's got to be a whole-of-government approach.

For me, they are criminals, they are 100 percent criminal organizations.

Mr. PFLUGER. Do you believe that we are acting as a whole-of-government approach to prevent the cartels from what they're doing?

Chief ORTIZ. I will tell you, from a law enforcement perspective, we've got tremendous partnerships and we're going to continue to do that. Once again, I believe it's a capacity issue. We need more officers on the front lines.

Mr. PFLUGER. Do you think we can do more?

Chief ORTIZ. Yes, sir.

Mr. PFLUGER. Director Cagen, you've seized 3.3 million pounds of precursor chemicals. How much money have the cartels profited as a result of shipping that fentanyl?

I'm looking at several sheriffs behind you from my district who are experiencing the trauma, the chaos from fentanyl in our own communities. How much money are the cartels making year in and year out?

Mr. CAGEN. I don't have the specific answer for you, but we have a fentanyl problem, and we need to fix it.

Mr. PFLUGER. How do we fix that problem?

Mr. CAGEN. I agree with the chief: more capacity, more capacity building, more people on the border to secure the border as well as more investigative efforts. We have to surge our resources to the border, which is what we do, and we have done it for years. Operation Expanded Impact is HSI's framework that we utilize to surge resources to the border in times like this. But it hits a point where there's so many drugs coming across and humans coming across that we need more resources along the border, especially when I mentioned that CBP Office of Field Operations is going to increase their non-inspection capabilities. It is only going to create more responses to the ports of entry, more investigations, which is more resources that his will need in order to combat and investigate these transnational criminal organizations.

Mr. PFLUGER. Thank you, Chairman. My time has expired. I yield back.

Chairman GREEN. The gentleman yields.

The Chair recognizes Ms. Greene from Georgia.

Ms. GREENE. Thank you, Mr. Chairman.

Thank you, Chief Ortiz, for being here today. Thank you, Mr. Cagen. I appreciate the jobs that you do as well as the men and women that work under you, they have very difficult jobs. We are so appreciative of them.

But I'm going to be very honest with both of you. After listening to all of this, I am so angry. I cannot believe the incredible failure of our Federal Government to the American people and also to the Border Patrol agents, ICE agents, the jobs that they do, and how incredibly difficult their jobs are based on the failed policies that they are forced to operate under. It is absurd.

I live in Georgia. My State is not a border State, but let me inform you of some of the things that we are dealing with. Here in my—in Georgia, fentanyl-involved deaths have increased by over 230 percent since Biden has taken office. In my district alone, we have had fentanyl-involved deaths increase by over 350 percent.

I can tell you right now the policies do not work, and we are sick and tired of our young people dying, our emergency responders getting poisoned by fentanyl. This is unacceptable.

Chief Ortiz, are you aware that there was an explosive device found by Border Patrol agents on January 17 in an area called no man's land and their surveillance of who put it there. Guess what? It wasn't Americans; it was cartels. Are you aware of that?

Chief ORTIZ. Thank you, Congresswoman, and good to see you again.

I will tell you that some of this information that I receive, I receive in a confidential SCIF. So I'm going to be a little hesitant on briefing what I know and what I don't know with respect to some of those—an event like that.

Ms. GREENE. I understand, Chief Ortiz, but I'm not going to be confidential because I think people deserve to know. Our Border Patrol agents should not be in those type of conditions where they are at risk of being blown to pieces by the cartels, who by the way are criminals, and they should be treated as such. As a matter of fact, I've cosponsored legislation to declare war on the cartels because they are definitely declaring war on us—the American people and our Border Patrol agents. I've had enough of it, and I know Americans have had enough of it.

Mr. Cagen, are you aware of such explosive device being found by Border Patrol agents?

Mr. CAGEN. I am not.

Ms. GREENE. Mr. Cagen, since you have to deal greatly in all the horrific drugs that are poisoning Americans every day, let's talk about kids for a little bit. We were just told this morning that kids age 13 to 17 are being recruited by the cartels, dangerous cartels, even MS-13. They are being used to smuggle drugs, traffic drugs into our country, having it taped across their bodies. They're also recruited because many of them have U.S. citizenship because they've come in our country. They're used to drive and smuggle human and drugs back and forth across our border. Can you elaborate on that?

Mr. CAGEN. Thank you, and good to see you as well.

The cartels are very good and transnational criminal organizations are very good at going after vulnerable populations. You see that with the immigrants that are coming up. You see that with, as you're talking about, kids. This is something that has gone on for a long time.

I worked in Mexico for 4 years. So here seeing cartels, seeing TCOs go after vulnerable children and vulnerable populations is something that definitely happens. They will go after any vulnerable population in order to move their drugs north and/or move their guns and profits south.

Ms. GREENE. Yes——

Mr. CAGEN. So, yes——

Ms. GREENE [continuing]. Sir, Mr. Cagen, let me interrupt for a minute. This has been a large increase in just the past 2 years in how many teenagers and even children are being used to traffic drugs. The increase is there, and it is showing that the policies are failing.

Mr. CAGEN. I'm sorry, ma'am, I didn't catch the question.

Ms. GREENE. I said there's been a large increase in children being used trafficking drugs into our country and being recruited by gangs. It's just happened in the past few years, and the policies are failing. So what change needs to be made?

Mr. CAGEN. I don't have data on the increase, the increase in children being used. My time that I'm just speaking about goes all the way back into 2007 to 2010 when I was in New Mexico. So I don't have any comment on increase or decrease. So that's not—as an investigative arm of DHS, I'm not here to focus on——

Ms. GREENE. Well, I can tell you right now that I have the statistics. Deaths of 350 percent in the past 2 years in my district from fentanyl. That's proof that the increase is there. We are devastated.

Mr. CAGEN. Sorry. I didn't mean to disingenuous. There is definitely an increase in fentanyl coming here. There is definitely—we have all seen the increase in death in children. I was just on a panel a few months ago sitting next to three parents who had lost their children. It is the hardest time that I have ever had to testify in my entire life.

Ms. GREENE. Then I think—you know what I think, guys, that I'm going to be really honest with everyone, I could care less about politics at this point. All I care about is policies put in place that allow our great men and women to do their job to secure our country. Our country is not safe. Our people are being poisoned by fentanyl every single day. I cannot believe it's the No. 1 cause of death of people from ages 18 to 45. That is unacceptable. I think that we need to all be honest and who cares about who our boss is and who cares about who's in office. We need to be honest and forthcoming about the changes that need to be made to secure our country because America is all of our home. It doesn't matter about Republican, Democrat, or who cares. It's everybody's home. What I would like to see done is real frank conversation about what to do to fix this problem.

Thank you very much.

Chairman GREEN. The gentlelady yields.

The Chair recognizes Mr. LaLota from New York.

Mr. LALOTA. Thank you, Mr. Chairman. Thank you, chief and director for being here. Most of us in this room and back at home learned in about the 11th grade that, in the Legislative branch, we pass the laws, and we appropriate and authorize the money; and the Executive branch enforces the laws and spends that money.

My question is to you, Chief, with respect to fiber optic sensors and light posts, because the frustration of the Congress and this committee is we've done our job. We've authorized the money. The appropriators have appropriated that money. We've sent resources through the Executive branch. We are frustrated that the President and Secretary Mayorkas have failed to enforce those laws and properly utilize those resources.

So my question with respect to the fiber optic sensor, which we understand are an important piece to our border security, can you tell us the status of these sensors? Are they on? Where do they exist? Have any of them been turned off, Chief?

Chief ORTIZ. So I'm going to work that backward. Thank you, Congressman, for the question. None of them have been turned off. We have them deployed across various locations along the Southwest Border. I would prefer not to share exactly the location, but I will tell you that we continue to expand the Linear Ground Detection System in areas where we are—where 300 miles of infrastructure was slated to be constructed. That is an on-going project. We continue to make those investments. We are quite often in the real estate and in the environmental process. I checked with my team actually this morning, and even here in south Texas we have on-going deployments of underground sensors throughout their area of responsibility.

Mr. LALOTA. Chief, would the addition of more fiber optic sensors increase our border security?

Chief ORTIZ. Most definitely, sir. We have areas along the Southwest Border where perhaps your traditional infrastructure, a wall or barrier system may not be as beneficial, both to the community, to the ranchers, to the farmers. Perhaps maybe a virtual Linear Ground Detection System might be the best course of action. In those areas, we're certainly working hard to make sure that those systems are deployed.

Mr. LALOTA. Chief, with respect to the permitting process, we understand and respect people's personal property rights. But can you explain and describe some of the frustrations you've seen with some of the permitting process, chief?

Chief ORTIZ. So, across the Southwest Border, we deal with private landowners. We deal with the Federal Government, refuge property. We deal with certainly areas that are protected lands. So all of that creates a challenge for us.

The Secretary has leveraged his CATEX authority to allow us to continue some of these programs and initiatives to ensure that we have those tools that allow us to have situational awareness out there along the Southwest Border. We're closing gates and gaps. We've already closed 55 of the gates and gaps. We are remediating the levee system here in south Texas in some of the other areas. So this idea that, you know, we turned off all infrastructure is inaccurate. We continue to propose recommendations that represent life

safety or threats into the community. We've seen approvals on several of those projects already.

Mr. LALOTA. Can you describe how long some of the permitting process takes? What, if anything, is holding you up from the installation of some of this new fiber optic capability?

Chief ORTIZ. So it varies depending on location. What we've seen here in south Texas, some of the records, the real estate and who owns the property or sometimes go back multiple generations. So that becomes a tremendous challenge for our real estate experts. Then, in some other areas, it moves quite rapidly. So it just varies depending on location. I will tell you that, in the last 24 months, 36 months that I've been up at Washington, DC, I can continue to push the infrastructure program as well as the underground detection system because I do think it is probably the wave of the future.

Mr. LALOTA. Please continue to give the feedback, Chief. Moving on to the light posts, have any of the light posts been turned off?

Chief ORTIZ. No, sir. None of the light posts have been turned off. We are challenged with some of the remote video sensor camera systems. There is a backlog with the supply chain issues that we experience both in our fleet and some of the technology. We are starting to catch up over the last 6 months.

Mr. LALOTA. Can you describe the lack of operational lamp posts and what it could do to border security?

Chief ORTIZ. So the inability to have situational awareness, to not have the border areas lit up or have camera systems deployed really decreases my confidence in the got-away number. So we want to maintain as much situational awareness out in that border environment. All of those are tools that we leverage in every sector along the Southwest Border.

Mr. LALOTA. Thanks, Chief.

Chairman, I yield.

Chairman GREEN. The gentleman yields.

I now recognize Ms. Lee from Florida.

Ms. LEE. Thank you, Mr. Chairman.

Last week, a Federal judge in the Northern District of Florida, Kent Wetherell, ruled that the Biden administration's policy of parole and alternatives to detention is unlawful. The judge stated in part that the administration had effectively turned the Southwest Border into a meaningless line in the sand and little more than a speed bump for aliens flooding into the country.

Chief Ortiz, my question for you is this: Were you aware of Judge Wetherell's ruling and his conclusion about that parole and alternatives detention policy?

Chief ORTIZ. Congresswoman Lee, thank you for the question. Yes, I am aware. I was deposed for that case. Then, on January 10, I was in testimony before the judge in Florida. So I was aware of his final ruling last week.

Ms. LEE. To this point, have any of the policies related to parole and alternatives to detention been modified or adjusted in light of the court's ruling?

Chief ORTIZ. So we weren't paroling over the last several months. Our numbers in the last 60 days have dropped significantly. We're averaging about 4,800 apprehensions. So there wasn't a require-

ment for us to parole. We released to detention or to ICE enforcement removal operations, and then we've been able to legislative title 42 considerably. So we haven't had to leverage that over the last 60 days.

Ms. LEE. OK. So, to this point, have any of the policies at Border Patrol been modified or adjusted or had to have been modified or adjusted in light of the court's ruling?

Chief ORTIZ. In light of the court's ruling, what we did is we informed all the sectors that they were not to parole individuals outside of a specific individual case for a humanitarian reason or if somebody was a material witness in a human trafficking case.

Ms. LEE. To your knowledge, are there any plans to make further modifications, or do you feel like the changes that have been made so far are adequate?

Chief ORTIZ. I think the changes that have been made so far are adequate, ma'am.

Ms. LEE. I'd like to return to the discussion of infrastructure. Specifically, we know that during this administration, the border wall itself, construction of the border wall itself was halted. Did that halting of construction include shutting off other technology installations, like lighting and roads and other things attendant to that construction?

Chief ORTIZ. Yes, the proposed requirement of 750 miles of border wall infrastructure included roads, lighting, and camera systems. We currently have about 450 miles of border wall constructed along the Southwest Border. We had some projects that were midway through the construction process. So what we have done is looked at all of those projects individually and have submitted a request to the Secretary to have approval to continue those projects. He has granted approval in, I believe, 29 of those projects already. We have an additional slate of projects that we are going to be presenting to him and others to make sure that we can try and get those approved as quickly as possible.

Ms. LEE. So would it be accurate to say that completion of the wall and those attendant structures—the lights, the roads, the things you described—would be helpful to you and the agents who are out there in performing your job?

Chief ORTIZ. Yes, ma'am. One of the things that the Secretary and I firmly agree on that infrastructure is important to securing the Southwest Border.

Ms. LEE. Thank you.

With that, I'd like to turn to ports of entry and a discussion there. So is it accurate to say that drug cartels are operating both at ports of entry and then also coming across the border and operating through places that are not designated ports of entry?

Chief ORTIZ. With respect to narcotics, what we've seen this fiscal year is 101 percent increase in fentanyl seizures in between the ports of entry. So far, 1,117 pounds of fentanyl had been seized by our Border Patrol agents in between the ports of entry. The Secretary directed us 2 weeks ago to start a fentanyl-driven operation, not just the Border Patrol but our field operations officers at our ports of entry, and to include our ICE investigators, and we are partnering with DEA to take the fight to the cartels, specifically in certain locations. So this is a priority for us, and I'm excited that



we're going to be able to show some significant results based upon adding additional resources in certain areas.

Ms. LEE. Thank you, Chief.

With that, my time has expired. Mr. Chairman, I yield back.

Chairman GREEN. The gentlelady yields.

I now recognize the gentleman from Texas, Mr. Luttrell.

Mr. LUTTRELL. Thank you, Mr. Chairman.

Chief Ortiz, thank you for your service.

Mr. Cagen, you as well.

Chief, are you in direct report to Secretary Mayorkas?

Chief ORTIZ. There is a commissioner and a deputy commissioner in between the Secretary and myself.

Mr. LUTTRELL. Do you communicate with them often?

Chief ORTIZ. I communicate often with the Secretary several times a week, sir.

Mr. LUTTRELL. So I want to piggyback off of what Ms. Greene said because we were just read in on this explosive device that was discovered by one of your Border Patrol agents. Now, obviously, sir, you're aware of this.

How is it that you are not?

Mr. CAGEN. Because, as the investigative arm of the department, we are focused on investigating TCOs. The intelligence shared between our two agencies is robust. It happens all the time. The—we're not actively—it's not my—

Mr. LUTTRELL. So here's my issue—

Mr. CAGEN. Let me—

Mr. LUTTRELL [continuing]. Wait. No, no, no. This is one of the issues I see between the—and I respect everything that the both of you do in every way that works for you, but the breakdown of communication and the silos that we work in is what's detrimental to this country right now. If there is an explosive device—if the cartels are using explosive device against our agent, that changes the narrative.

Mr. CAGEN. So can I answer my job as the assistant director over—

Mr. LUTTRELL. Please.

Mr. CAGEN [continuing]. Transnational organized crime? It is not domestic operations. Our domestic operations folks that work in the field day in and day out are the ones that communicate with the Border Patrol. I'm saying me personally, I do not know. I can get back to you and let you know whether HSI as a whole knows and our domestic operations know. So I just wanted to clarify that for you.

Mr. LUTTRELL. Thank you. So I would assume that the two individuals that you report to, sir, have reported to Secretary Mayorkas about this explosive device, which tells me that Mayorkas has reported this to the President. Nothing has been said or done to the American public. Congress had no idea this was going on.

Ms. GREENE. Uh-huh.

Mr. LUTTRELL. Now, if this is the case, and we're surging money—hundreds of billions of dollars across the seas to secure everybody else, and we're not doing anything here in my State and

our Southern Border, that's a problem. Because that means that they're lying to us. Response.

Chief ORTIZ. I will tell you that, if there's a significant event along the Southwest Border, whether it's a significant seizure or an arrest, we——

Mr. LUTTRELL. I'm not talking about drugs anymore; I'm talking about explosives.

Chief ORTIZ. Any significant event. Whether it be a terrorist, whether it be a significant narcotics load, criminal alien, high-value target, we will coordinate with our investigative partners. They vary in numbers. Whether it's FBI, whether it's the DEA, or our his partners, we all belong to Joint Terrorism Task Force. If it's associated with terrorism, every single one of us has an agent or a task force member. So that information is shared amongst that group.

Mr. LUTTRELL. It hasn't been shared with us. OK? So here's my problem. If you share something of this nature with us, we can help. OK?

Another question, Chief. You said consequences, and you said that your agents don't feel like they have legislation—or that legislation is not enforced to support them in their duties. Who specifically is telling you not to do that? What memo and whose name is on the bottom of that so we can go after them?

Chief ORTIZ. When I say "consequences," I'm talking about two things. I'm talking about prosecutions, and I'm talking about repatriations back to their home country. We have to have those tools in our tool kit to be able to deal with the migrant surges that we're seeing right now.

With respect to legislative changes or policy changes, that's out of my wheelhouse, Congressman. That is your responsibility. That's the administration's responsibility. My responsibility is to enforce the laws on the books and do everything I can to make sure our men and women have the tools that they need out there to do the job.

Mr. LUTTRELL. OK. So tell me right now which ones you need that are in place that they're not being enforced so we can do something about that. If you don't have that in front of you right now, please perhaps get it to me.

Chief ORTIZ. I will, sir.

Chairman GREEN. Can I interrupt as the Chairman for just a second?

Mr. LUTTRELL. Sure.

Chairman GREEN. I want to make sure I understand Mr. Luttrell's questions. You're asking which policies need to be reinstated in order for him to do his job. Is that——

Mr. LUTTRELL. Yes, sir.

Chairman GREEN [continuing]. Correct?

Mr. LUTTRELL. Yes, sir.

Chairman GREEN. OK.

Mr. LUTTRELL. I'm sorry if that didn't come out clearly. I apologize.

Chairman GREEN. That's OK. Go ahead, Chief.

Chief ORTIZ. Once again, whatever consequences. You can call it migrant protection protocols. You can call it Remain in Mexico. You

can call it a safe third country. All of the tools that the Border Patrol and DHS have at their disposal are going to allow us to do a better job of managing this border.

Mr. LUTTRELL. I yield back, sir.

Chairman GREEN. The gentleman yields.

I now recognize Mr. Strong from Alabama.

Mr. STRONG. Thank you, Chief.

Thank y'all for being here today. We have a concern about [inaudible] the barrier open despite having operational gates, as Border Patrol opened the floodgates among our Southern Border when there is actively no flooding?

Chief ORTIZ. Not that I'm aware of sir.

Mr. STRONG. Thank you. There we go. Thank you. We'll go with this one, then: 4.7 million apprehended, 1.3 million evaded, potentially 20 more percent than that; improvised explosive device being used against U.S. law enforcement. America protects other countries' borders.

Chief, do you think it's time that the United States President sends the military to the Southern Border to protect the American people?

Chief ORTIZ. Sir, we have our DOD partners operating along the Southwest Border. As I mentioned earlier, I was down there yesterday evening and the day before working side by side with our National Guardsmen, our Texas Department of Public Safety partners, and a slew of law enforcement agencies. I will tell you that, to me, Border Patrol work should be done by Border Patrol agents. We do have, I think, opportunities to leverage our partners.

Back in 2012, I had 21,370 Border Patrol agents. Right now, I have 19,016. My requirement is 22,000 Border Patrol agents. Until I can get there, I'm going to require assistance from other agencies to include the Department of Defense. But, right now, for me, my priority is doing everything I can to add more rank, more personnel to my ranks so we can make sure that Border Patrol agents are out there doing that job.

Mr. STRONG. I thank you. I think it's time to get 1600 Pennsylvania Avenue on the phone and let them know what's going on down here.

I would also like to ask you, Mr. Cagen. Your office is responsible for leading efforts to counter transnational crimes. This includes combating drugs, illegal weapons, and money laundering. Has your agency seen an increase in criminal activity over the last 2 years as it relates to the surge at the border?

Mr. CAGEN. Naturally, the surge at the border is going to create more activity because, as I mentioned, the transnational criminal organizations will target the vulnerable populations. When you have the vulnerable population moving up toward the border and toward the ports of entry, it's going to cause more activity. That is the reason for our Operation Expanded Impact, which is the framework that he utilizes in order to surge special agents to the Southwest Border in order to support the increased activity.

Mr. STRONG. Thank you. Who are the main perpetrators of transnational criminal activity along the Southern Border?

Mr. CAGEN. The cartels.

Mr. STRONG. Thank you. If we return to the operational policies under the previous administration, Chief Ortiz, how long would it take to get the border under control?

Chief ORTIZ. Every policy that allows us to repatriate or reduce the flow of migrants is certainly going to increase our operational effectiveness and our ability to control that border. Once again, we're dealing with a different population group. I think it's going to be a real challenge for us to repatriate some folks from Cuba, Haiti, Nicaragua. So we have to make sure that we have a tool for those populations, not just folks from Central America or Mexico.

Mr. STRONG. Thank you. There's people out there, they can talk about him all they want, but Donald Trump kept our country safe. Under the Trump administration, ICE air was fueled up 24/7. Those that came to the United States illegally were detained and removed to their country of origin immediately and not turned loose and asked to come to a hearing months later.

They're coming from Mexico. They're coming from Guatemala, El Salvador, Ecuador, Colombia, Cuba, Haiti, Iran. They're coming from China, too. Our country is under attack. America is being invaded. No American is safe. This invasion is not a Democratic issue. It is not a Republican issue. It is an American issue. We have learned more in these hours than we have heard out of the District of Columbia in I don't know how many weeks.

I'm a freshman United States Congressman. I've been in office for 9 weeks, and we are learning more here than we've heard in the last 9 weeks. I thank each of you, but I can tell you this, the thing I'm most distraught about is there's not a Democrat here. This is an American issue. It's appalling that the Democrats didn't show up, and America is under attack. I thank both of you for being here.

Chairman GREEN. The gentleman yields.

I now recognize the gentleman from Oklahoma, Mr. Brecheen.

Mr. BRECHEEN. Thank you, Mr. Chairman.

Chief, you've got courage. I see you trying to be respectful, and I also see you being straightforward, and I want to appreciate you for doing that.

VOICE. Absolutely. Here, here.

Mr. BRECHEEN. For you to admit that we don't have operational control at our Southern Border, again, you've done that in a respectful manner, and you've done that in a straightforward manner, and that took guts. You said a while ago that, in 2014, that you were plainspoken as well and said that we'd had a policy crisis. Just for the American people so we can revisit history, who was President in 2014?

Chief ORTIZ. Mr. Obama, sir.

Mr. BRECHEEN. Thank you. Did we have a policy crisis soon after from 2016 to 2020 during the Trump administration?

Chief ORTIZ. I will tell that you, in 2019, when I was deputy chief here, we had a family unit crisis. So, to me, I thought that at that time we had some vulnerabilities, and we addressed that relatively quickly.

Mr. BRECHEEN. So, if I understand you correctly, there was quick action during the 2016 to 2020 time frame to address the areas that you saw as needing improvement?

Chief ORTIZ. I'm not sure I actually agree with how we did it. Separating families was a significant challenge for our organization. I will tell you that, once again, there's got to be another way to solve some of the issues that we're faced with right now.

Mr. BRECHEEN. Did you feel like we had operational control from 2016 to 2020 of the Southern Border?

Chief ORTIZ. There were times and there were certain locations where the effectiveness rate of our Southwest Border was above 90 percent, 85 percent. In those areas, I had extreme confidence of what was happening along the Southwest Border.

Mr. BRECHEEN. That's great. I appreciate your response on that. Ninety percent is much better than what we heard a while ago of 5 sectors lacking operational control out of 9 on the Southern Border.

You mentioned consequences. I'm grateful for you for using that word. It seems like a word that's missing in public dialog on this. So title 42, our President is expected to let that lapse come the month of May. Would you support finding alternative means to continue title 42—whether it's the 18-to-45 age frame, leading cause of death, and it's caused 70,000 overdoses last year—would you support continuance of a measure, health emergency, even if had to be fentanyl-based to continue the protocol of sending people back to their country of origin?

Chief ORTIZ. Any tool or resource that allows law enforcement personnel to repatriate or affect some sort of consequence on individuals that we encounter is going to be a useful tool. Yes, sir.

Mr. BRECHEEN. Do you support the Remain in Mexico policy?

Chief ORTIZ. I support any policy that's going to allow us to repatriate individuals back to their home country.

Mr. BRECHEEN. You also said earlier that you and Secretary Mayorkas agreed, quote: Infrastructure is important. Secretary Mayorkas and I agree on this.

The wall and physical barriers. Our President of the United States in 2016, as a United States Senator, voted for the Secure Fence Act. At the time, Democrats and Republicans believed in physical barriers. Do you support the concept of construction of physical barriers like a wall? Do you believe they're effectual for the manpower element that they allow you and your Border Patrol agents to then reallocate elsewhere.

Chief ORTIZ. Congressman, I do not believe in a wall from sea to shining sea, but I do believe in infrastructure and barrier systems in concentrated areas, especially urban areas. It's always been our practice from 2006, when I was an agent in charge in west Texas to now.

But I also don't agree that we should tear down a perfectly good barrier system to install something that is, you know, based upon requirements that we developed over the last few years. We tore down a perfectly good infrastructure system in some areas that we should have just left alone. Del Rio was a perfect example of that.

Mr. BRECHEEN. So, under other prior administration, we had 200-plus wall that was appropriated. The President of the United States, President Biden by Executive Order shut that down. Do you agree with his decision to shut down the construction?

Chief ORTIZ. Yes, sir.

Mr. BRECHEEN. My last question. We have a Mobile One app that's coming on-line and is being utilized. Do you believe all that is doing is—is the Mobile One app leading to more utilization of consequences or less utilization of consequences?

Chief ORTIZ. The Mobile CBP One app is actually part of the process to ensure that these migrants have an opportunity to schedule an appointment with an asylum officer without having to put their lives in the hands of the cartels or the smuggling organizations. That's a new system. As with any new system, it takes a while for it to develop. We continue to expand that. One of the things that we recognized about a month ago, as we heard feedback from our nongovernmental organization partners is that there were some gaps, some language gaps, and some gaps that the migrants generally couldn't understand within the app itself. So we worked with our NGO partners to make some adjustments. We continue to expand that as much as we possibly can. But I do think it's part of an effective system, so folks who want to apply for some sort of immigration benefit can do it from their home country.

Mr. BRECHEEN. I thank you. I yield.

Chairman GREEN. The gentleman yields.

First, let me ask for unanimous consent of the committee on something. We'll go technical, and then I'll introduce our next questioner.

So, without objection, the gentlewoman from Texas, Ms. De La Cruz, is permitted to sit on this hearing and ask questions of the witness.

Are there any objections?

Hearing none, it is my privilege to welcome to the committee the gentlewoman from Texas, whose district we actually now sit in. The gentlelady is recognized.

Ms. DE LA CRUZ. Thank you, Chairman.

Thank you to my colleagues for allowing me this time to be here with you today. You know, the failed Biden border policy has made technology even more important to keep our American communities safe, to keep our Border Patrol agents safe, and to keep our Nation safe.

With that being said, the RGV sector, which includes McAllen, Texas, right here where I have the honor and the privilege to represent, has one of the highest drone detections along the Southwest Border.

The cartel drone detections, just right here in the Rio Grande Valley sector in fiscal year 2022 was 35,000 drone detections. I'm going to repeat that number for you all because we don't hear it enough—35,000 drone detections from the cartel that are watching our agents, watching our American communities, and leading illegal immigrants through our Southwest Border. That being said, out of the 35,000 drone detections, only 10,000 were intercepted. That's it, 10,000.

To put this in perspective, the RGV sector only has 31 drones assigned to this sector. Let me repeat that number: 31 drones. Out of those 31, only 18 are actually operational and assigned. The others are down due to maintenance and other issues.

So, while the cartel have an abundance of resources and have unlimited money to be here on our border, the RGV sector, our agents, our chief are only left with 31 drones to intercept this.

Now this type of unbalance is unacceptable, and the RGV that continues to have high illegal immigration and high illegal drugs crossing our border.

That being said, there's other high-persistence surveillance, which includes aerostats. There were 7 aerostats here in the RGV sector. Due to lack of funding, 3 had been decommissioned. The remaining 4 are going to be defunded by the end of this year.

With that being said, Chief Ortiz, what is the Department currently doing to assist with countering the cartel technology? Again, 35,000 that we detected in the last year.

Chief ORTIZ. Thank you, Congresswoman, and good to see you. I will tell you that technology is probably a priority. Oh, no, definitely is a priority for myself and my leadership. Whether it is south Texas or whether it is Arizona, they—sUAS issue. As you know, cartels have deep pockets. They don't have to worry about policy. I have to worry about policy.

We have 201 small UAS systems deployed throughout the country. I intend to continue to expand that at great levels over the next 24 months. We have a counter-UAS program, and as you might be familiar with. We continue to expand that because we recognize that the cartels have become awfully sophisticated. A smuggler no longer has to leave the Mexican side to smuggle a group of migrants or narcotics across the border. He can do it virtually via a phone app and an sUAS. So we need to continue to expand that footprint. But our policies also have to match that. We have to be able to mitigate those 35,000 drone incursions that you just described. We are on the process and are in a process of mitigating a lot of those criminal organizations and being able to exploit where they're coming from, how they're doing it. We are going to continue to expand that as much as we can.

Then, with respect to the aerostats—I'm a big fan of aerostats. When I was in Afghanistan, and I think some of the committee Members will recall that aerostats kept us safe. When I came down here in 2013, I was the architect of the aerostat program here in south Texas. I went up to headquarters, I expanded it across multiple locations across the Southwest Border. But it is an expensive piece of technology, and I have to find an alternative for that.

Ms. DE LA CRUZ. Now, Chief Ortiz, can you tell the committee and the Members here that are in the audience, can you tell us how deep into American soil have these cartel drones actually come in?

Chief ORTIZ. So it will vary. Some of the drone technology that the cartels are using are very sophisticated. We've seen incursions miles away from the immediate border area. For us, we are doing, I think, a tremendous job of identifying where these criminal organizations are operating out of, but we need to expand that.

Ms. DE LA CRUZ. So, in my debriefings with Border Patrol, I have heard that those drones from the cartels have come up to 8 miles into American land. Would you say that is an accurate statement?

Chief ORTIZ. No, ma'am.

Ms. DE LA CRUZ. How far do you believe that they come into American soil?

Chief ORTIZ. I think it depends on terrain. A lot of areas along the Southwest Border are very mountainous when you think about what we have in Arizona and El Paso. But then, when you think about what we're dealing with here in south Texas and in some areas in west Texas, pretty flat country. So cartels can operate via line of sight. Once again, it really depends on their ability to leverage existing systems, whether it's cell phones and whatnot.

Ms. DE LA CRUZ. We just recently lost some of those aerostat balloons in this past January. So what is the measure that the Department is using to fill the gap until we get to the next step?

Chief ORTIZ. We currently have a team deployed in looking at some alternatives to a similar type of platform but that's less expensive. What we've seen in the past with aerostats is in these areas, high winds—

Ms. DE LA CRUZ. Chief Ortiz, I'm sorry, I'm out of time. I'm just going to ask you, how fast can we deploy some of this technology?

Chief ORTIZ. We are hoping to deploy it in the next 6 months, ma'am.

Ms. DE LA CRUZ. Thank you, and I yield back.

Chairman GREEN. The gentlelady yields. I want to thank our panel of witnesses for their incredibly valuable testimony today.

Mr. Cagen, I want to especially thank you. You were a Democrat-invited witness, and you showed up. So thank you for that. The folks who invited you bailed on you. But thank you both for your service to our country and for being here today.

The Members of the committee, they may have some additional questions for you. They'll submit them in writing. It will be great if you can get that back in writing.

The witnesses are dismissed, and our committee stands in recess for 15 minutes.

[Recess.]

Chairman GREEN. Well, we will go ahead and get started.

The committee will come to order, and I'm pleased to welcome our second panel of witnesses. I ask that the witnesses please rise and raise their right hand.

[Witnesses sworn.]

Chairman GREEN. Let the record reflect that the witnesses have answered in the affirmative. Thank you. I would now like to formally introduce our second panel of witnesses.

Stephen McCraw has served as the director and colonel of the Texas Department of Public Safety since 2009. He has served in both Texas and Federal law enforcement since 1977 in various capacities across our entire country. As front-line leader for a State that is among the most affected by the crisis at our Southern Border, Mr. McCraw's insights and expertise are invaluable.

Brad Coe is sheriff of Kinney County, Texas, a border county that has faced the very real effects of this crisis. Sheriff Coe has first-hand experience in encountering illegal aliens and protecting his community. We thank the Sheriff for making the drive over and look forward to hearing what he has to say today.

Chris Cabrera is the vice president of the National Border Patrol Council, a labor union representing the Border Patrol agents and



support personnel. Mr. Cabrera is an Army veteran—so that makes us brothers—and a current CBP agent. So he has first-hand knowledge of the scope and the threat before us here as well as an understanding of what our brave border personnel have to endure every day.

I thank the witnesses for being here. The witnesses' full statements will be appear in the record. I now recognize, Mr. McCraw—Mr. McCraw to kick us off for 5 minutes to summarize his opening statement. You're recognized.

Could you turn—it will turn green.

**STATEMENT OF COLONEL STEVEN C. MCCRAW, DIRECTOR,  
TEXAS DEPARTMENT OF PUBLIC SAFETY**

Colonel MCGRAW. Yes, sir. I was trying to delay the time clock. I'll do anything to get a little more time. But, Chairman, this is the 11th time as the director of the Department of Public Safety that I've testified before Congressional hearings. This is a very important issue, has been, and continues to be. I can tell you the most significant public safety, homeland security threat to the State and the Nation, for that matter, is an unsecured international border with Mexico. It's been that way for some time. It's the border States—everybody's a border State. Alabama. Everyone in here is a part of a border State. New York, you're a border State in that regard, simply because we have failed to secure the international border with Mexico. What's happened over the years is we allowed the Mexican cartels to metastasize to something much larger than they've ever been. The most powerful, ruthless, depraved, and violent criminal organizations in the world, they're on our doorstep. They've got command-and-control elements. Six of those cartels operate throughout Texas. They have dominated, and they have controlled the lucrative drug and human smuggling market. Cocaine, heroin, methamphetamine—whoever would have thought methamphetamine. Ten years ago, you wouldn't have imagined it. But they own it right now. The same thing with fentanyl, they have taken that over as well. I know you've talked a little bit about that already in terms of the threat as it stands.

So there's no question about it. It is—an unsecured border is a problem. It's not just a Federal problem. It becomes a local problem with the sheriff next to me. I do have to put this in, I got to commend certainly Chief Raul Ortiz, who I have worked with for over a decade. Outstanding professional. He oversees a highly professional elite organization of men and women that serve on the front line of our Homeland Security and national security defense, of the U.S. Border Patrol. We're very proud to work with him. Texas is a very pro-law enforcement, pro-military State, pro-military State, pro-law and order State, and supports their Border Patrol to a point where, 2 years ago, when the Governor and I visited, he was upset that, all of a sudden, we've seen what we saw in 2014. Two-thousand-fourteen, we had 200,000—you heard Chief Ortiz talking about—200,000 unaccompanied children and family units. It swarmed and swamped and overwhelmed the U.S. Border Patrol. Since then, the Governor has had us preparing for a mass migration event if it happens again because what happens is it takes Border Patrol off the line. So what do we have in 2021? We were

planning for a failed state scenario, a catastrophic event scenario. But, instead, what we got, what we got is a Federal policy disaster, OK, that incentivized illegal migration instead of criminalized illegal migration. So it's not a matter of just in terms of consequences; it is you are actually rewarding people. This is the greatest country in the world. If you are going to reward them and tell them to come here, and we're going to give you a notice to disappear, that's what they're going to do. They're going to continue to come in droves.

The cartels have exploited it. They use social media. OK. They use information warfare. They use all the military applications in terms of whether it's logistics, the command and control, information, operations, intelligence, and certainly the demonstration or use of application of lethal force.

We talk about semantics in terms of terrorists. The Governor designated the cartels as terrorist organizations because, in effect, that's what they are. I mean, how many Americans have they killed versus al-Qaeda and ISIS and Sunni extremist groups? They do it daily.

The most recent threat that is really disturbing from Texas—because the cartels have always been making money. Now, they get to reap billions of money—billions of dollars of the money just from the human trafficking side to extort on both sides of the border. Not to mention, OK, the Mexican cartels are collaborating with our gangs—these regional gangs, these space-based gangs, these transnational gangs to support the criminal activity on both sides of the border. So it only makes it worse, OK? Not just a border issue; it becomes a State-wide issue. It affects every community in the State.

As it relates to fentanyl, as if it's not enough to make money from a polydrug cocktail, which they were doing. Now, because it's much more profitable, you know, how about selling to our kids or youth or anybody, you know, lookalikes of oxycodone, oxycodone, Adderall. OK? Percocet—and almost identical. You can't tell the difference. Our scientists can't tell the difference. Your own DEA administrator says that 6 out of 10 of those pills have a lethal dose of fentanyl of 2 milligrams. That's a concern. Yes, we have seen deaths. They don't really care. Yes, you'd think that they would, but they would rather—they can expand profits just in terms of by increasing addiction on that regard.

So now they have—not just in terms of the overdose death; it is poison because it's a substitute. So, you know, what's a State to do?

Under Governor Greg Abbott, he launched Operation Lone Star for over 2 years and deployed thousands of National Guard, troopers, the special agents that work for DPS, and certainly our Texas Rangers, our tactical teams, aircraft, you know, tactical marine unit.

The impact is always, you know, felt first and foremost at the local level. Well, the sheriff and our local police departments in that regard and found resources and worked with the legislature to get billions of dollars of Texas tax, Federal dollars that have been invested in doing everything we can to help Border Patrol perform their vitally important mission, to detect, interdict transnational criminal activity between the ports of entry.

I think that's my time. So I'll be quiet now, Mr. Chairman.

[The prepared statement of Colonel McCraw follows:]

PREPARED STATEMENT OF COLONEL STEVEN C. MCCRAW

MARCH 15, 2023

Good morning, Chairman Green, and Members of the Committee on Homeland Security. My name is Steven McCraw; I am the director of the Texas Department of Public Safety (DPS) and our mission is to protect and serve Texas. Thank you for traveling to the border region of our State to talk to our citizens, community leaders and members of local law enforcement who possess first-hand knowledge about the on-going border crisis.

It is our assessment that the most significant public safety and homeland security threat to Texas and the Nation is an unsecured international border with Mexico. I have testified on this issue before Congressional committees 11 times since becoming the director of DPS, and each report has been grimmer than the last. Unfortunately, that trend continues today and the reason is simple: The Federal Government has failed to do its Constitutional duty and secure the border. This failure comes at the detriment of our citizens and the benefit of the Mexican cartels.

In my 2018 Congressional testimony I stated that crime was increasingly transitory, transnational, organized, and discreet. I reported that terrorism had become more disaggregated, and that an unsecured international border with Mexico represented a grave national security vulnerability. Our Southern Border was porous back then. Our Southern Border is porous now. This provides the Mexican cartels a reliable means to smuggle people, some of whom are members of transnational gangs, criminal aliens or foreign nationals from countries hostile toward America.

I also testified that the Mexican cartels have exploited the porous U.S./Mexico border to dominate our Nation's lucrative illicit drug market, working closely with transnational and U.S.-based gangs to support their criminal operations on both sides of the U.S./Mexico Border, and they provide a readily-available retail distribution chain for their drugs.

At the 2018 Congressional hearing, we warned that if Texas were to see a repeat of what occurred in 2014, U.S. Border Patrol agents will again be overwhelmed with detaining, transporting, and processing large numbers of individuals through Federal immigration procedures. A surge of unaccompanied children and family units into Texas resulted in over 300,000 apprehensions of illegal migrants for calendar year 2014. These large numbers overwhelmed the U.S. Border Patrol and Texas communities. We witnessed how a scenario in which droves of individuals seeking asylum at the U.S./Mexico border resulted in substantial security gaps along the border.

In 2018, policy makers were more concerned about the possibility of a mass migration event at our border as a consequence of a failed state in the Western Hemisphere or a catastrophic event. Nobody considered that a global mass migration event could be the result of U.S. policies; however, there is now compelling evidence that because the Federal Government incentivized—rather than criminalized—illegal migration, crime and disorder have followed.

In calendar year 2021, there were more than 1.3 million apprehensions in Texas, which is 1 million more apprehensions than what occurred in 2014. And, in calendar year 2022 there were more than 1.4 million apprehensions in Texas. These numbers do not include the many known and unknown got-aways.

In our profession it is the absence of crime and disorder that defines success, and the border crisis has increased the difficulty of doing so in every community throughout the State and Nation.

In Texas, Governor Greg Abbott and our State legislature care deeply about protecting its people and have appropriated billions of dollars in State funds to support the mission of the U.S. Border Patrol and its agents. To continue addressing the border crisis in full force, Governor Abbott has made border security an emergency item for the legislative session occurring in Austin right now.

The Governor is working with members of the legislature to:

- Secure \$4.6 billion to bolster border security efforts
- Pass legislation making it at least a 10-year mandatory minimum jail sentence for anyone caught smuggling in Texas
- Enhance the minimum penalty for operating stash houses to a third-degree felony
- Enhance criminal penalties for foreign terrorist organizations and increase intelligence operations against such organizations.

Nobody has done more to secure the Southern Border with Mexico than Governor Abbott. His leadership on this issue should be your example. Texas is a law-and-

order State and the people of Texas overwhelming support the U.S. military, law enforcement, and the rule of law and they want meaningful action, not excuses. The State of Texas does not need the permission of the Federal Government to protect its citizens from transnational threats and it will continue to do so by working closely with our local and Federal partners to address the on-going border crisis.

In March 2021, Governor Abbott launched Operation Lone Star (OLS) to deter, detect, and interdict transnational criminal activity using all available State resources as part of a fully integrated, multidisciplinary strategy to address security lapses at the border. Thousands of National Guard soldiers, Texas State troopers, DPS special agents, Texas Rangers, DPS tactical teams, and Texas game warden personnel were deployed to the border region to conduct around-the-clock patrol operations on the river, in the brush, on the roadways and in the air in smuggling corridors.

Importantly, Texas border sheriffs and chiefs of police serve on the front line in protecting their communities and OLS provided them much-needed funding to address the border crisis in their communities.

Infrastructure and technology are also vital to securing something as vast and diverse as the Texas/Mexico border. Governor Abbott enlisted the Texas Facilities Commission to continue work on a permanent wall at identified hot spots. These projects are complex and implementing them takes time. In the interim, the Texas National Guard has worked with Texas landowners and communities along the border to install temporary fencing to deter crossings on private property. The temporary fencing (such as cyclone fencing), concertina wire, or Conex boxes also serve as notice that those who cross over these barriers are subject to State criminal trespassing charges.

Governor Abbott designated the Mexican cartels as terrorist organizations and directed that DPS special agents and analysts conduct State-side criminal enterprise investigations targeting the command-and-control elements of the Mexican cartels operating throughout Texas working closely with DEA, FBI, and HSI in cities throughout Texas.

Another key element of the OLS strategy includes Texas' Anti-Gang Center Program that funds centers located throughout the State where there is a prevalence of gang activity. The Mexican cartels work closely with these gangs that support cartel smuggling and trafficking operations and the gangs are also involved in the retail distribution of the drugs. The TAG Centers provide a venue to collocate local, State, and Federal gang enforcement, analytical, investigative, and prosecutorial resources to maximize the impact on violent gang activity and dismantle gang networks working with the Mexican cartels.

Other State agencies also play a key role such as the Texas Department of Criminal Justice which has provided jail space and transportation to address the many OLS-related arrests. The Texas Department of Emergency Management continues to provide valuable support to local and State agencies as well.

I am submitting for today's record a table which contains some of the OLS activity numbers. Of note is the over 360 million lethal doses of fentanyl that were seized by DPS and more than 19 tons of methamphetamine. Moreover, members of the Texas National Guard, Texas game wardens, and DPS personnel have detained and turned over 350,000 illegal migrants to Border Patrol that would have otherwise been got-aways.

Again, thank you for taking the time to travel to the Texas/Mexico border to witness the crisis for yourself and speaking with local experts and citizens who live and work here. This is a beautiful part of our State, or rather our country. The Federal Government owes it to the people who live here to do their job and secure the border. These communities and our State is doing everything possible to maintain the rule of law, protect human life, and protect property. All of this comes at great expense and sacrifice.

Chairman GREEN. Well, thank you. I should have asked this at the beginning: Do you prefer to be called director or colonel? But thank you for your——

Colonel MCGRAW. Those are two nice terms. I've been called much worse.

Chairman GREEN. Well, thanks for your opening statement.

I'd now like to recognize Sheriff Coe for 5 minutes to summarize his opening statement.

**STATEMENT OF SHERIFF BRAD COE, KINNEY COUNTY  
SHERIFF'S OFFICE, BRACKETTVILLE, TEXAS**

Sheriff COE. Thank y'all for being here. Like I said, my name is Brad Coe. I'm the sheriff of Kinney County, Texas. I'm currently in my second term. Prior to this, I spent 30 years with U.S. Border Patrol, all of which I spent my time in Kinney County. Kinney County has 16 miles of riverfront property with Mexico. We are the 27th largest county in the State, but population-wise, we only have 3,200 people.

I have 6 full-time deputies and 8 part-time deputies to cover the 1,300 square miles, which most of our time is spent close to town, leaving very little coverage for the rest of the county.

Currently, we are under siege by illegal aliens and smugglers coming through the county, trying to get to destinations within the United States.

With the current open-door policy, Kinney County has seen a dramatic increase in illegal alien activity. The number of migrants seen on game cameras that I currently have deployed throughout the State thanks to DPS, we're averaging between 160 and 180 people per night that are going through the county unchallenged. That comes out to roughly 60,000 people that enter through my county this year. These are also considered got-aways by Kinney County because we don't have the resources to go out and track and try to apprehend these people walking through the county.

The damage to fences, waterlines, and structures has ranchers spending more than they can afford to keep their properties up and running. The loss of the ability to grow crops is also a huge issue. Large groups of people walking through the property creating trails kills the grass that the livestock, the sheep, the goats, and the cattle depend on for survival. Hard game ranches—we have exotic game ranches where you can hunt animals year round. Some of these animals—these hunts will cost you anywhere between 40—on the high end on the \$40- to \$80,000 per animal.

With the number of illegal aliens walking through the county, it's making it more and more difficult for the hunters to be successful paying these large fees to get the animal of their choice. If we lose them, I lose the county.

On the smuggling aspect, we have 6 roads that lead directly away from the border and 2 others that circumvent the Border Patrol checkpoint in Uvalde County just east of us. These highways have seen an unprecedented increase in human smuggling activity. For calendar year 2022, which was last year, Kinney County deputies apprehended 741 human smugglers. We fought over 3,000 felony cases against these smugglers. It's a huge increase from calendar year 2021 when we apprehended 169 human smugglers. We are currently on track right now to exceed 900 smugglers for the year. In February alone, the shortest month of the year, we did 95 smugglers.

With the increase in human smuggling, increase the chances of vehicle pursuits or bailouts. The number of pursuits increased with the human smuggling apprehensions. These increase the risk to traffic accidents, death, and damages to property. With the increase of pursuits that result in traffic accidents puts a huge strain on our community resources.

Kinney County only has EMS crew on duty at any given time. Our first responders for the fire department are all volunteer. We had an accident earlier in the year—well, actually it was in December—there was a pursuit. The vehicle tried to avoid this being spiked, lost control of the vehicle, killed 3, including the driver, plus 3 others critically injured. We had to borrow resources from another county to handle that situation. Our EMS crews were completely tied up, which took them away from their regular duties of servicing the county.

Like I said, our volunteers for the fire department, they were all on scene. They had to leave their jobs to come handle, help with that accident. Because it was a rollover, because people were ejected and killed, we had to call in air support. We had to call in air life from San Antonio and San Angelo in the event they were going to be needed, which brings up the question, who's paying for this? My county doesn't have the resources to pay for air life. As soon as the air life helicopter hits the ground, it is roughly \$45,000. We don't have that kind of money. The people that they're hauling, transporting to and from the hospitals, don't have that kind of money. They don't have the insurance.

We had an incident last year. We had rollover. EMS shows up. Our only crew shows up. They're about 20 miles south of town. One of our locals in town suffers a heart attack. He didn't make it. Would he have made it had EMS been able to get to him in time? That's one of the questions we will never know. That is all I have—well, one other thing.

I have to fight tooth and toenail to get what I have to protect my ranchers. That's all we have. We had a movie industry, "Lonesome Dove," "The Alamo," on and on, about 150 movies were made in Kinney County during the lifespan of Alamo Village. That has gone away.

The sheep and goat industry, we reigned supreme in the world with our sheep and goat industry. That has gone away. All we have now is our hunters. That's all we have to protect the county, to support the county. We have one grocery store, one gas station, and 3,200 people. If I lose any of that, I lose the whole county. I will go to my grave fighting for this to keep my county as safe as I can. Thank you.

[The prepared statement of Sheriff Coe follows:]

#### PREPARED STATEMENT OF BRAD COE

My name is Brad Coe and I am the sheriff of Kinney County, Texas. I am currently in my second term as sheriff. Prior to being elected as sheriff, I spent over 30 years with the U.S. Border Patrol, all of which was in Kinney County.

Kinney County, Texas lies in southwest Texas and has 16 miles of border with Mexico. Kinney County is roughly 1,370 square miles, ranking 27th in size. Currently the population is under 3,200 people. Kinney County is primarily agricultural land for the raising of sheep, goats, and cattle. One of the primary sources of revenue is the hunting industry.

My office has 6 full-time deputies and 8 part-time to cover the 1,370 square miles of the county. This causes large areas of the county to go unpatrolled. The majority of their patrol areas are within the city limits of Brackettville and Fort Clark Springs, which is a gated community within the county.

Currently Kinney County is under siege by illegal immigrants either walking through local ranches, or being smuggled through the county on the back roads that circumvent U.S. Border Patrol checkpoints. I am here today to discuss the impact this immigration crises is having on Kinney County's resources and revenue.

## OUT OF CONTROL IMMIGRATION

With the current “open door” policy, Kinney County has seen a dramatic increase in illegal alien activity. The number of migrants seen on our game camera system is currently averaging 165 people per night (60,225 this year). These are also considered got-away since Kinney County does not have the personnel or equipment to actively pursue these subjects.

Damage to fences, water troughs, and structures has ranchers spending more on repairs than they can afford. There currently is no way to recoup those losses. The loss of the ability to grow crops is an issue also. With large groups walking cross country, creates trails that prevent the grass and natural foliage to grow, reduces the grass for the livestock.

Our “game ranches” specialize in exotic animal hunts year-round. Some of these hunts cost up to \$40,000.00 per animal. With the constant foot traffic walking through these ranches, the animals are harder to locate and often are spooked by illegal aliens while the hunter is watching the animals. Which can and will result in the loss of revenue for the rancher.

## SMUGGLING

Kinney County has 6 highways that lead directly from the border area into the county, plus two other roadways that circumvent the U.S. Border Patrol checkpoint on U.S. Highway 90. These highways have seen and unprecedented increase in human smuggling activity. For calendar year 2022, Kinney County deputies arrested 741 human smugglers and filed over 3,000 felony charges. This is a huge increase from calendar year 2021 in which we arrested 169 human smugglers. Currently we are on track to exceed over 900 human smugglers for calendar year 2023.

With the increase in human smuggling comes the increase in vehicle pursuits and bail outs. The number of pursuits has increased with the increase in human smuggling arrests. With these increases, the risk of traffic accident and deaths associated to these accidents also increase.

With the increase in pursuits that result in traffic accidents puts a huge strain on our first responders. In December 2022 an accident that was the result of a driver trying to flee from law enforcement, lost control of the vehicle, killing himself and 2 other, later identified as being in the United States illegally, and required 3 others, who were thrown from the vehicle, to be transported to area hospitals due to severe injuries.

## FIRST RESPONDER RESOURCES

Kinney County only has one EMS team on duty at any given time. Our Fire and Rescue Department is all volunteer. This accident required Kinney County to request EMS assistance from neighboring Val Verde County. As a precaution, Air-Life was also dispatched in the event they would be needed. This accident tied up all of Kinney County’s first responder resources. Resources that are provided for by tax payers of Kinney County. Kinney County does not have a tax base that sustain this type of emergency. Not only were our first responders tied up, but resources from Val Verde County were tied up as well.

It’s not uncommon for EMS to be called out for illegal aliens who have suffered an injury or has become dehydrated while walking cross country. Often EMS has to transport these individuals to Val Verde County since Kinney County does not have an emergency medical facility. This too ties up a county resource. Often the county does not get re-imbursed for these services, creating another burden for the local taxpayer.

During one instance where EMS was tied up with injured illegal aliens, a resident of Kinney County suffered a heat attack. A second team had to be called in to respond to the call. The Kinney County resident didn’t survive. Would he have survived if the primary on-duty EMS team responded? We’ll never know.

## CLOSING

Kinney County has no industry to support it. We depend on our ranchers and hunters. We have no port of entry for international trade, or tourism. At one time Kinney County was a world leader in the production of wool and mohair. That has gone away. Kinney County was the Movie Capital of Texas. John Wayne’s The Alamo, Lonesome Dove, The Gambler, Bad Girls,

Just name a few that were filmed here. Alamo Village was huge tourist attraction, which brought in people from across the county. That has closed. All we have left is our agriculture and hunters. If our ranchers sell due to loss of revenue, who’s going to buy the property? If the hunters quit coming, our gas station, our grocery

store, and restaurants are going to close. What happens to the residents of Kinney County when the ranchers go out of business and the hunting quit coming? This is why I am fighting so hard, so I don't lose the county.

Questions pertaining to:

- Landowner re-imbursement
- Landowner liability
- Interstate Compact to allow State-level officers to arrest and prosecute Federal violations
  - Ex. Illegal entry to the United States
- Inter-agency cooperation
  - Needs improvement
  - Turn over aliens for prosecutions
- Prosecution Levels
  - Need additional resources 8 years behind
- Facilities
  - Jail closed
  - No female space
- Radio Communications with other agencies
  - Can no longer communicate via radio to outside agencies
- Grant funding
  - School safety
  - Salary supplements
  - Advanced Training
  - Fleet repairs/fuel/etc.

Chairman GREEN. Thank you, Sheriff. I really appreciate your testimony.

I now recognize Mr. Cabrera for 5 minutes to summarize his opening statement.

#### **STATEMENT OF CHRIS CABRERA, VICE PRESIDENT, NATIONAL BORDER PATROL COUNCIL**

Mr. CABRERA. Good morning, Chairman Green. Thank you for providing me the opportunity to testify on behalf of the National Border Patrol Council. The NBPC represents 16,000 front-line agents of the Border Patrol.

My name is Chris Cabrera. I joined the Border Patrol in 2001 after serving 4 years in the U.S. Army as a paratrooper. I spent my entire Border Patrol career here in the Rio Grande Valley sector of Texas.

In fiscal year 2022, the Border Patrol made an unprecedented 2.2 million apprehensions. This figure is approximately 5 times the number of apprehensions made in the last year of the Trump administration. It's a clear sign of how the border policies of this administration are failing.

Approximately half of the individuals we arrested last year were expelled under Title 42. As you know, this authority will cease after May of this year. What happened to the other million that were not expelled? The vast majority were released into this country under either a notice to appear or paroled.

In addition to apprehensions we made, there were well over 1.2 million confirmed illegal immigrants that evaded capture in the last 2 years. They got away simply because we didn't have enough manpower to apprehend them. To put this in perspective, the Rio Grande Valley has approximately 1.3 million people in the population. We had almost the entire population of this region escape, just walk right into this country last year.



If this isn't the definition of a problem, I don't know what is. If we are going to address this chaos on the border, we need two things: First and foremost, we must end catch and release.

Winston Churchill once famously said that Americans always do the right thing only after they have tried everything else. When it comes to catch and release, I believe that Winston Churchill was right.

The first time I testified before Congress was before the Senate Homeland Security in 2015. I told the Senate then, and I will tell you today, as long as we continue to release illegal immigrants into this country, they will continue to come. It's that simple.

Ending catch and release not only makes common sense, it's the law. Section 235(b) of the Immigration and Nationality Act requires Homeland Security to detain all migrants apprehended entering illegally.

Homeland Security may—and I emphasize may—parole individuals on a case-by-case basis for humanitarian reasons or significant public benefit. That's not what the Biden administration has been doing these past 2 years. A Federal judge just vacated the administration's parole policy, which is catch and release by a different name.

The second issue is Congress' responsibility. You need to resource the Border Patrol to accomplish our mission of securing this border. Border Patrol staffing hovers around 19,300 agents. The Tucson sector chief just recently testified before House Oversight Committee that the Border Patrol needs 22,000 agents to deal with this current crisis.

Increasing our net manpower by 2,700 agents is going to take tremendous effort that will require us to do two things simultaneously: First, we need to keep the agents we already have, and we need to recruit more agents. It sounds like a simple problem.

Our Border Patrol attrition rate is 6.9 percent, which is 72 percent higher than the Office of Field Operations. The bad news is that our attrition rate is expected to climb over 9 percent by 2028.

The primary reason we cannot retain and recruit agents is the lack of pay parity with other Federal law enforcement agencies. I have spent most of my life protecting this country, whether it be for the Army or the 20 years—21 years I've spent in the Border Patrol.

I've told my wife that you don't join the service to get rich. However, if I were to leave for another agency, I'd probably make about \$15,000 more. For many agents with young families that come from different parts of the country, it's a no-brainer for them. So they leave as soon as they get here. It's simple for them.

If we continue to hemorrhage personnel, there's no way we're going to secure this border. We spent billions on aircraft, on technology, on fencing, and that's great. We appreciate all of that stuff that you guys have given us. However, we have not sufficiently invested in our agents, which is the most important element in border security.

Last Congress, Senators Portman, Sinema, and Lankford introduced S. 4775, which has a provision, section 4, to address our recruitment and retention issues.

I know the committee is working on comprehensive legislation to address this crisis. I appreciate your effort and the fact that you came all the way down here to have this hearing that we need. Now that you know what we need, I respectfully ask that you take action, and that action must include addressing our retention and recruitment issues.

Thank you for the opportunity to testify, and I will gladly answer any questions you may have.

[The prepared statement of Mr. Cabrera follows:]

#### PREPARED STATEMENT OF CHRIS CABRERA

##### BACKGROUND

Chairman Green and Ranking Member Thompson, thank you for providing me the opportunity to testify on behalf of the National Border Patrol Council (NBPC).

The NBPC represents the interests of 16,000 front-line agents at the Border Patrol and my name is Chris Cabrera. I joined the Border Patrol in 2003, after serving 4 years in the U.S. Army as a paratrooper. I have spent my entire Border Patrol career here in the Rio Grande Valley Sector of Texas.

In fiscal year 2022 the Border Patrol made an unprecedented 2.2 million apprehensions. This figure is approximately 5 times the number of apprehensions made in the last year of the Trump administration and a clear sign of how the border policies of the Biden administration are failing.

Approximately half of the individuals we arrested last year were expelled under Title 42. As you know, this authority will cease to exist after May of this year. What happened to the other million that were not expelled? The vast majority were released into this country under either a Notice to Appear (NTA) or paroled.

In addition to the apprehensions we made, there were well over 1.2 million confirmed illegal immigrants that evaded capture in the last 2 years. They got away simply because we did not have enough agents to apprehend them. To put this in perspective, right now we are in the Rio Grande Valley which has a population is 1.3 million people. We had almost the entire population of this portion of South Texas walk right into this country illegally because we lacked the manpower to stop them. If that is not the definition of a problem, I don't know what is.

##### ISSUES

If we are going to address the chaos on the border, we need two things. First and foremost, we must end catch and release. Winston Churchill once famously said Americans always do the right thing, only after they have tried everything else. When it comes to catch and release, I feel like Winston Churchill was right. The first time I testified before Congress was before the Senate Homeland Security Committee in 2015. I told the Senate then and I will tell you today, as long as we continue to release illegal immigrants into this country, they will continue to come. It is that simple.

Ending catch and release not only makes common sense—it is also the law. Section 235(b) of the Immigration and Nationality Act requires Homeland Security to detain all migrants apprehended entering illegally. Homeland Security may, I emphasize may, parole individuals on a case-by-case basis for urgent humanitarian reasons or significant public benefit. That is not what the Biden administration has been doing the past 2 years and a Federal judge just vacated the administration's parole policy which is just catch and release by a different name.

The second issue is Congress's responsibility, and you need to resource Border Patrol to accomplish our mission of securing the border. Border Patrol staffing currently hovers around 19,300 agents and Tucson Sector Chief Joe Modlin testified in February before the House Oversight Committee that Border Patrol needs at least 22,000 agents to deal with the current crisis.

Increasing net manpower by 2,700 agents is going to take a tremendous effort that will require us to do two things simultaneously. First, we need to keep the agents we already have and recruit more agents. Sounds simple, but we have a problem. Border Patrol's attrition rate is currently 6.9 percent which is 72 percent higher than the Office of Field Operations. Worse news is that our attrition rate is expected to climb to over 9 percent by 2028.

The primary reason we cannot recruit and retain agents is that we lack pay parity with other Federal law enforcement. I have spent most of my adult life protecting this country—first in the Army and for the last 20 years with Border Patrol.

I love my job, and as I often tell my wife, you don't join the military or Border Patrol to get rich. However, I would make about \$15,000 more per year if I left Border Patrol. For many agents with young families the extra money and better work-life balance these other agencies offer makes the decision for them.

Let me be blunt, if we continue to hemorrhage personnel there is no way we will secure the border. We have spent billions on fencing, aircraft, and technology over the course of my career. All of these investments are important—and I want to thank you for it. However, we have not sufficiently invested in our agents, which are the most important element in border security.

Last Congress Senators Portman, Sinema, and Lankford introduced S. 4775 which has a provision, section 4, to address our recruitment and retention issues. I know the committee is working on comprehensive legislation to address the crisis. I appreciate your efforts and the fact you came all the way down here to have this hearing to learn what we need. Now that you know what we need, I respectfully ask that you take action and that action must include addressing our recruitment and retention issues.

Thank you for the opportunity to testify and I will happily answer any questions you might have.

Chairman GREEN. Gentlemen, I want to thank all three of you for being here. I really appreciate it.

I want to ask the Members that they'll be recognized—or tell the Members they'll be recognized in order of seniority, as typical for our committee, for questioning. If there is time for an additional round, we may allow that to happen, and again, will be recognized in order of seniority.

I now recognize myself for my 5 minutes of questioning.

Mr. Cabrera—is that Cabrera? I want to make sure I'm pronouncing your name correctly.

Mr. CABRERA. Cabrera is fine.

Chairman GREEN. Could you briefly talk about how the Border Patrol agents have been affected by the border crisis physically and mentally?

Mr. CABRERA. You know, physically, it's been a rough patch for us these last few years. We lost many agents to COVID. We lost quite a few to COVID, and we've had a couple officer-involved deaths with—just recently in December, we lost an agent to a vehicle accident.

On top of that, suicides. Border Patrol, I think, lost 17 people in the last year. To put that in perspective, the NYPD has 35,000 officers, I believe, more or less, and they lost 4. So it is a big issue.

We see a lot of stuff out there that the average person doesn't see. I think that what hits folks the hardest is what happens with the children we see. We see a lot of young kids coming across, 3, 4, 5 years old, 7 years old, that are unaccompanied. Their parents are already here in the United States, and they send them by themselves. Who knows about the hundreds if not thousands more that never make it through.

So that, I think, is more on the mental aspect of it as well as some of the physical. It's a difficult job. It's increasingly getting harder by the fact that we're not put in a position to do the job that we were trained to do.

I mean, we're—I think the Border Patrol is the only union you're ever going to see in the history of unions that is actually asking for more work, where we're just, just let us work, let us do our job. We don't care where you put the coffeepot. We don't care about lumbar supports for our chairs. We just want to go to work, and we're just asking that you let us work.

Chairman GREEN. I really appreciate that.

Let me ask this question of you as well, sir: What do your agents share with you? What are their thoughts about the policy changes that occurred, you know, in 2021?

Mr. CABRERA. The morale is down. The morale is down significantly. If you look at our numbers now versus our numbers 2 years ago, you'll see that the numbers are lopsided.

Most of our agents are frustrated with the job. They're frustrated with the fact that we're babysitters. Maybe 30 to 40 percent of our agents actually get out to the field on any given day, and then a lot of times they get called back in to process or transport somebody.

So the real bad guys, the smugglers, the ones that are harming people, the people that are bringing in drugs into this country or trafficking in humans or kids, they're getting away. That affects the agents in their desire to do their job.

You know, let's face it. If you have a young kid, say, that comes from Charlotte, North Carolina, and he joins the Border Patrol and his wife comes down. Say, they go to Big Bend. It's 2½ hours to get to a Walmart, much less a hospital. The wife can't find a job because she can't speak Spanish.

Then ICE comes around and says, Hey, we'll give you more pay, Monday through Friday, weekends and holidays off, and we'll get you back home. Of course, they're going to jump ship. So we're not only losing seasoned agents, we're losing brand new agents. So there's no way we're going to catch up with it.

Chairman GREEN. Let me ask Director McCraw a quick question: How much is DPS spending per month for border security, and how much was DPS spending before January 2021?

Colonel MCGRAW. The State legislature and the Governor have invested a lot of money over the years, and certainly \$800 million in the Department of Public Safety alone.

But when we saw the record numbers—when I say record numbers, 1.3 million apprehensions in Texas in 2021 and, again, 1.4 million in 2023, the Governor and legislature has dedicated billions of dollars now. So when we do these intensified operations and we continue to send troops down and conduct these around-the-clock operations, they're threefold of what they were before.

Importantly, now we have the National Guard, and the State is paying for that National Guard. It's a very important part of it, because as Border Patrol and probably Chief Ortiz already talked about, you know, personnel, you've got to have technology, you got to have infrastructure. You also need doctrine, right, the correct doctrine and policies in place to be able to secure the border.

One last thing, I'd like to at least put a pitch in for Border Patrol. The Federal Government has always undervalued the patrol function, they always have, and don't recognize, the post-9/11 environment, that patrol function, how important it is in terms of prevention. Certainly, they do need to be on par with their other Federal counterparts. We need more boots on the border, less wing tips when you get right down to it. That's really what, you know, Border Patrol brings us.

Chairman GREEN. I got your reference. Thank you.

Colonel MCGRAW. Yes, sir.

Chairman GREEN. Just to summarize, that it was your budget has had to go up three times, if I understood you correctly, not counting the National Guard's additional cost at the border.

Colonel MCGRAW. At least threefold exactly. Yes, sir.

Chairman GREEN. All right. Thank you.

My time is up. I now recognize Chairman Higgins.

Mr. HIGGINS. Colonel McCraw, what's the relationship like between DPS and DHS right now? How has it been impacted by the policies of the new administration?

Colonel MCGRAW. We don't let the policies of the administration impact our relationships with our partners, the bottom line. There's too few many law enforcement officers in Texas, you know, 70,000, you know, local and State. So we work well with our Federal partners. We integrate operations. It's Texas. We get along with each other. We like each other. We respond and we got each other's back. So it hasn't changed. It hasn't changed.

Mr. HIGGINS. That's the kind of answer I would expect from a law enforcement professional, because you're referring to your relationships with the men and women you work with on a regular basis to perform your mission to the best of your ability.

But the current administration, as every executive administration in the United States, has a Constitutional responsibility to secure the international border. To help our sovereign States maintain operational control with the Mexican border is absolutely a Constitutional requirement.

Do you feel that this administration, compared to the last administration, is fulfilling that obligation?

Colonel MCGRAW. Well, absolutely not. Obviously, I testified and my written statement is that we've incentivized, you know, a global mass migration event, and that deliberately impacts on Border Patrol and law enforcement and our communities across the border.

So, clearly, it's had a negative impact. There's consequences when there's an unsecured international border.

Mr. HIGGINS. Would you agree, Colonel, would you concur that ultimately, the responsibility for that failed policy is upon the shoulders of Secretary Mayorkas and President Biden?

Colonel MCGRAW. I'd say it's certainly the administration. Exactly who, it doesn't really matter. It's a failed policy. It's a Federal responsibility to do it and it's not being done, period.

Mr. HIGGINS. I would say that it falls upon the shoulders of Secretary Mayorkas, as the executive that allegedly has the background and the knowledge to perform according to the instructions of the President of the United States.

He also has the responsibility to advise the President if the President's policies are failing in the mission and actually bringing injury upon the Nation. So I would say the failure of our policies, as we see them at our Southern Border, fall squarely upon the shoulders of Secretary Mayorkas.

Sheriff Coe, my 1911 brother, thank you for being here.

Sheriff COE. Thank you.

Mr. HIGGINS. Let's talk about what happens to these illegals when they get into the country and into your county. You come across these guys. You have to take them into custody in some way.

What happens after you have concluded your law enforcement interaction with them? What's the responsiveness of ICE under this administration versus the last?

Sheriff COE. Well, if my deputies come across them, say, on somebody's property, we file charges on them for criminal trespass. DPS and the Governor have been very gracious, giving us a \$2.5 million grant to assist with the prosecution and hire people so that we can get this done. The same thing if we catch a human smuggler, we file charges on them on everything that we can stack on them. It's been very successful.

One of the issues we do have, working with ICE and some Border Patrol, is Border Patrol will catch them, and the landowner is present when they're caught. The landowner will say, I want these turned over to the county, the Sheriff's Office, so I can file criminal charges against them. Border Patrol refuses.

If we have—if we catch an illegal alien and for whatever reason we cannot prosecute them because we don't have bed space for female or they're underage or whatever the case may be, we have problems having ICE to come pick them up. They say, No, it doesn't meet our status, we need to kick them down the road.

Mr. HIGGINS. So, Sheriff, the State charges, if you're able to prosecute under State charges for, say, criminal trespass, you conclude that adjudication at some point and they're still illegal within the country.

Has the Federal Government put you in a position to illegally release aliens within the country?

Sheriff COE. Several times they've tried. I'll give you an example. We had an accident. There were 3 that had very minor injuries. They refused to go to the hospital. EMS cleared them.

I called Border Patrol to come pick them up. They said, no, because they've been in an accident, we will not take them. ICE refused to take them. They wanted me to kick them down the road.

I took it upon myself. We took them back to the international border, we took them to the port of entry and sent them home.

Mr. HIGGINS. That's real good, Sheriff. Thank you for your testimony, gentlemen.

Mr. Chairman, I yield.

Chairman GREEN. The gentleman yields.

I now recognize Vice Chair Guest.

Mr. GUEST. Thank you, Mr. Chairman.

Colonel McCraw, first of all, I want to thank you. I want to thank Governor Abbott, the men and women under your control, for the billions of dollars that the State of Texas has invested in fighting this crisis. I see that that investment has been successful in some aspects.

In your written testimony, I see that during the 2-year activity of Operation Lone Star you report that there's been more than 350 million dosage units of fentanyl that have been seized, 19 tons of methamphetamine, and that you and the men and women of the Texas National Guard, the game wardens, DPS officials, have helped apprehend and turn over to Border Patrol over 350,000 illegal immigrants.

In your statement, there are some very compelling parts, in the second paragraph particularly, where you say that the Texas De-

partment of Public Safety, that it's your assessment that the most significant public safety and homeland security threat to Texas and the Nation is our unsecured international border with Texas. You go on to say the Federal Government has failed to do its constitutional duty and secure the border, that this failure comes at the detriment of our citizens and the benefit of the Mexican drug cartels.

Colonel, would you agree with the statement that border security is national security?

Colonel MCGRAW. Absolutely.

Mr. GUEST. You go on to describe our Mexican border as porous. Then finally at the end of page 1 of your written statement, you say that there's compelling evidence that the Federal Government has incentivized, rather than criminalized, illegal immigration.

Then you said 4 specific figures as the number of immigrants who have been apprehended just within the State of Texas, not within the border as a whole. Two thousand twenty-one, you talk about 1.3 million immigrants being apprehended just within the State of Texas; 2022, we see that number grew to 1.4 million. Your testimony goes on to make sure that we know that that does not include the number of got-aways, which would significantly inflate those figures.

We know that in May of this year, the administration has indicated that they will end Title 42, which this administration has said in December that we could see across the Southern Border a number up to 14,000 immigrants a day coming across the Southern Border.

My question to you, Colonel, is, in your opinion, based on the information that you have, once Title 42 expires, what impact will that have on the number of immigrants that you're seeing coming into the State of Texas on a daily basis?

Colonel MCGRAW. It will certainly increase. How much, it's difficult to project. But there's no doubt that anything that incentivizes or encourages or something that the cartels can exploit from an information standpoint, they're going to encourage more to come.

The more that comes, then the less Border Patrol is able to do their job and the more difficult it is for the State to be able to step in and help them do their jobs.

Mr. GUEST. What information have you received from DHS as to their plan of action as to how they plan to address this coming surge of immigrants when Title 42 expires?

Colonel MCGRAW. Well, we work with our local Border Patrol sectors. So there's a State plan. Whether there's a Federal plan or not we can't tell, but we certainly have a State plan that brings together all law enforcement in Texas and the National Guard in an integrated way to determine the response if it gets—if it—as it continues to get worse.

But right now, it's never been worse at 1.4 million. This is an historic high. You got to go back to 1986 to see these types of numbers in Texas. We track it by calendar year.

Mr. GUEST. Well, and I know, just looking back at December alone, again, across the entire Southern Border, over 250,000 immigrants seized in a single month. If Title 42 goes away, if the pre-

dictions that this administration has in place, those numbers will far exceed the worst month in the history of immigration.

So, I guess my question is, is there currently a plan in place that you're aware of by DHS as to how they intend to handle the surge? Have they briefed your agency? Because, clearly, you're providing a support capacity to our front-line CBP officers.

So, here we are roughly 2 months away, 60 days away from Title 42 going away. Is there a plan in place? Have they briefed you and your Department on what you can do to prepare for the coming surge?

I'll yield back after you answer that question.

Colonel MCGRAW. There is a plan in place, because the State of Texas doesn't need the Federal Government's permission to protect it. Governor Abbott has made it clear that we're going to have a plan in place. We have a plan in place. It's integrated across all three levels of government and it's multijurisdictional and multidisciplinary. I can tell you that.

Chairman GREEN. Thank you, sir. The gentleman yields.

I now recognize the gentleman from North Carolina, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman.

Gentlemen, this hearing has already been extraordinarily significant, because the U.S. Border Patrol Chief testified to Congress that the administration's policy of releasing illegals in the United States as opposed to detaining them and removing them is the cause and the driver of the crisis at the border, which he characterizes as being out of control and not subject to operational control of the U.S. Government. So that's a big deal.

Now I'm curious. In this stage, Colonel McCraw, you said something that sort-of got me back on something that sort-of is something I've focused on a lot or thought about a lot. I kind-of—I don't know what your answers are going to be. They may be adverse to me politically, but that would be fine.

Because I think about, you know, we've got—so we've seen—we all focus on the circumstances as they are, and they're very bad, and all the bad effects that we're seeing in terms of members of the Border Patrol, Mr. Cabrera, and their families; and, Sheriff, what you're seeing in chases in your community; Colonel, what you're trying to do in terms of the investment your State has to make to get this under control.

But here's what I wonder about, is where could we go if this continues as it is for another 2 years? We're only halfway into this—through this administration. They're devoted to this policy that's so destructive. So where can we end up later on? I always—my mind always goes back—the phrase that you used, Colonel, when you were talking about the cartels, the transnational criminal organizations, and you mentioned command and control.

I heard earlier the 35,000 flights that Congresswoman De La Cruz point out, drone flights. They're coming across. I made some people sort-of smile, not knowingly, when I asked them in a hearing a year or so ago, why we don't shoot them down? They all said, like, you can't do that. So we're having—you know, they're bringing drugs and people over with the use of far better equipment than Border Patrol has available.



I always get the name of the town wrong. I think it's Culiacan in January had not the first, but the latest war between the Mexican military and the Sinaloa cartel over the arrest of Ovidio Guzman, son of El Chapo.

I would love to show you these pictures. I don't have them, but the *Los Angeles Times* has some great pictures that show flaming tractor-trailers and smashed cars and one or two of the narco tanks with these improvised rigs on them, the cartel members, cartel fighters taking on the Army, firing 50-caliber weapons at aircraft in the air.

The thing—and I understand it's a whole different deal in the United States, but if you have—I'm told, Mr. Cabrera, that Border Patrol always tells me that nothing comes across the border unless the cartel permits it. I—is that basically true, sir?

Mr. CABRERA. Yes, sir, that's true.

Mr. BISHOP. I hear that \$15 billion of income comes to the cartel just from the fees for people to come across. A lot of them owe those fees. We're hearing about those stories. I heard his, or I forget what it is, which agency, but is seeing a surge in violence relating to collecting those fees.

So you have hundreds of thousands or millions of people coming in, obviously, very—most of them perfectly fine people and they want to abide by the law, but they're all under the thumb of a cartel that's growing across the border.

You talked about the command and control, the capabilities they have, Colonel. What's to prevent them from developing in the United States the circumstance that you saw in Culiacan where they could go to war against American law enforcement and military forces?

Colonel MCGRAW. Well, first of all, the Mexican cartels are already inside the United States. They have command-and-control elements in here involved to support their operations, drug and human trafficking. They work with the gangs that we talked about before.

Where you see most of the violence, OK, manifest itself as relates to the cartels is with gangs and through gangs. If you talk to local law enforcement, anybody will tell you, even the fentanyl, it doesn't matter what market it is, it's the gangs and their collaboration with each other and with the cartels are the biggest problem right now.

The Mexican cartels own Mexico, that's the bottom line, through intimidation, hyperviolence, coercion, and frankly, corruption.

Mr. BISHOP. If our policy continues to profit them and build them and build the people they can abuse and manipulate for their own purposes, couldn't they strengthen in the United States to the point that they're that kind of a hazard?

Colonel MCGRAW. Well, a seemingly compassionate policy of allowing everybody in the world to come to the United States is anything but, because you turn them over, as you noted, to the Mexican cartels.

There's too many rapes. There's too many violent crimes that are committed upon those women and children that are moved into this country. The extortion continues, not just in terms when they get to the river.

They got the money. They'll continue it on in stash houses. In some cases, Chinese in particular, we've come across in terms of where they're indentured servitude. They don't have \$50-, \$70,000 dollars to pay to get here. They owe a criminal organization that money, OK, to be able to work off their debt.

Whether it's the sex trafficking industry we've seen when young girls and women have been tracted from and recruited from Central America and from Central Mexico on the promise of a domestic servant. I mean, these are brutal, depraved, corrupt, cowardly criminals that can care less.

Certainly they impact—in our profession, it's the absence of crime and disorder that defines success. Right now, there's anything but the absence of crime and disorder as it relates to the border, and it impacts every community in the Nation.

Mr. BISHOP. At risk the Chairman will gavel me down, I'd like Mr. Cabrera to answer that question too.

Do you see any risk of the kind of specter that I described in the United States?

Mr. CABRERA. As far as that happening, I mean, we have had issues here in the Rio Grande Valley. I know that there's cartel members living among us in our area, not just in our area, in probably everyone's area, that are just flying under the radar.

There's always a possibility, whether it's on a small scale. I can't see the larger scale taking off just for the fact that our law enforcement is not corrupt like it is on the Mexican side. But there will be violence.

Mr. BISHOP. Thank God for you all.

Mr. Chairman, I'm sorry. Thank you.

Chairman GREEN. The gentleman is humored and now yields.

The next—I'd like to recognize our next Member from Florida, Mr. Gimenez.

Mr. GIMENEZ. Thank you, Mr. Chairman. Mr. Chairman, I heard a story Monday when I was in Miami about an individual that tried to cross and was captured by the cartel. Thinking that everybody in Miami has money, they called his cousin and FaceTimed. The cousin didn't have the money, and they murdered his—basically murdered his cousin on FaceTime because he didn't—he couldn't give up the \$10,000. That's the kind of people that we're dealing with, that have absolutely no value for human life. It's all about profit.

So, Mr. McCraw, have you told the—has the Biden administration gotten the word of what it is they need to do in order to fix the problem at the border?

Colonel MCGRAW. They have a lot of smart people back there. It would be impossible not to know what's the right thing to do. This is not rocket science.

Mr. GIMENEZ. I agree. So do you think that the—do you think—do you think the President of the United States is dumb?

Colonel MCGRAW. I'm not going to comment on that, because I don't even—

Mr. GIMENEZ. Do you think that the Secretary of—do you think that the Secretary of Homeland Security is dumb?

Colonel MCGRAW. Certainly, he's not. There's no question.

Mr. GIMENEZ. So the only thing you can come up with is this is done on purpose?

Colonel MCGRAW. There's no—I can't see it otherwise. It's done on purpose. I don't know that it's meant to be malevolent and to want the problems it has, but it certainly has.

Mr. GIMENEZ. Well, you'd have to be pretty dumb not to see that what you're doing is malevolent and it actually has real dire consequences to the United States.

So it's actually done on purpose. You know, I came to that conclusion a long time ago. They're actually doing this on purpose.

Colonel MCGRAW. Whatever the reason—

Mr. GIMENEZ. Now, why, I don't know.

Colonel MCGRAW. Whatever the reasons, you know, because this is not a political issue. It's a public safety issue and it hurts.

Mr. GIMENEZ. I got it. So now—OK. Now that we know that it's on purpose, OK, now let's move on to something else, OK?

All right. How many different cartels are there on the Southern Border?

Colonel MCGRAW. Well, in Texas, which we focus on, there's 6 Mexican cartels that operate.

Mr. GIMENEZ. How many—do you have any intelligence on how many members—how many are members of the—I mean, how many members do the cartels have on the border, on the southern—on the Mexican side?

Colonel MCGRAW. No.

Mr. GIMENEZ. You don't?

Colonel MCGRAW. We've got good—we've got some estimations in terms of working with DEA along those lines, but exact numbers, no, we don't.

Mr. GIMENEZ. No, not exact. What's your estimation?

Colonel MCGRAW. I wouldn't even want to—because of the extensions of the cartels, I wouldn't want even to project in terms of how many members. But clearly, there's as many members of the cartel than there are in gangs in Texas, and we've identified over 100,000 gang members. So it's—it's going to be—

Mr. GIMENEZ. So at least 100,000, you think at least 100,000.

Colonel MCGRAW. There's going to be, because at some point—and whether they're directly or indirectly cartel members, there's no question they've got an army of people down there.

In fact, I mean, we know from past experience, because that is the Los Zetas part where former Mexican military that went over to be the enforcement arm of the cartel. The Gulf cartel moved over, created its own cartel. So you have this continuing, you know, rebranding and splitting of cartels, and they continue to, as we've talked about before, metastasize.

Mr. GIMENEZ. Does the Mexican military have the capacity to deal with these cartels?

Colonel MCGRAW. They haven't demonstrated a capacity to deal with the cartels.

Mr. GIMENEZ. But do you think they have the capacity?

Colonel MCGRAW. I don't know, because it takes—the capacity includes will—

Mr. GIMENEZ. Well, that's my next question.

Colonel MCGRAW [continuing]. Is the bottom line.

Mr. GIMENEZ. You beat me to the punch. Because then do you think they have the will?

Colonel MCGRAW. I know the government of Mexico does not have the will.

Mr. GIMENEZ. Thank you. I do, too. I think the government of Mexico does not have the will. They may have the will if the drugs that are poisoning us were actually poisoning the Mexican people.

So I really am starting to have some doubts about where this government of Mexico lies. Is there a deal, a secret alliance, something that says, Hey, keep the drugs out of Mexico, OK, and I'll leave you alone. You can go ahead and poison the Americans all you want.

Colonel MCGRAW. There's no news to the fact that Mexico has had issues with corruption as it relates to the Mexican cartels.

Mr. GIMENEZ. Yet, the policies of the Biden administration actually helps the cartels, because they're making huge profits off of immigration, right?

Colonel MCGRAW. They're incentivizing—

Mr. GIMENEZ. So these policies actually are helping the cartels grow in power and their ability to kill Americans, and yet, the Biden administration knows they're wrong and continues to do it.

Colonel MCGRAW. Clearly, there was—at the end of the day, the impact on the cartels is they're richer and more powerful than they were before this mass migration began.

Mr. GIMENEZ. Right. That is all due to the failed policies of the Biden administration, which we have to assume they know are wrong.

Colonel MCGRAW. I'm not going to say what they assume. I just know that it's not rocket science to figure this out.

Mr. GIMENEZ. Yes, or brain surgery, actually. I mean, you know, we have a physician here, so—

Colonel MCGRAW. I think brain surgery is a little complicated, but yes. Yes, sir.

Mr. GIMENEZ. OK. I got it. OK, thank you.

I yield back.

Chairman GREEN. Thank you.

I recognize our next witness—or our next questioner, the gentleman from Texas, Mr. Pfluger.

Mr. PFLUGER. Thank you, Chairman.

I thank all of you for being here, for your service to protect this country and keep it safe. We have had what I would characterize as a groundbreaking testimony today by Chief Ortiz, chief of the Border Patrol.

He said that he does not believe we have operational control of the Southern Border; No. 2, he does not believe that in at least 5 of the 9 sectors along the Southwest Border that it is secure; and that we have a policy crisis.

Mr. Cabrera, you know, I'd like you to speak on behalf—how many people do you represent in the National Border Patrol Council?

Mr. CABRERA. Sixteen thousand, five hundred.

Mr. PFLUGER. Please speak on behalf of 16,500. Do you believe, do they believe that we have operational control of our Southern Border, that it is secure?

Mr. CABRERA. Absolutely not.

Mr. PFLUGER. You know, we've heard a lot today—I appreciate your testimony—about the morale. Do you feel—again, speaking on behalf of the those 16,500, do they feel supported by the Commander in Chief, by Secretary Mayorkas? Do they feel they have the resources they need to do their job?

Mr. CABRERA. Absolutely not.

Mr. PFLUGER. How sad is that, that you have testified that we have not sufficiently invested in our agents. We hear you. We support you. How sad is it—do you want a bipartisan solution or just one party supporting you?

Mr. CABRERA. Oh, we need a bipartisan solution. This is—this immigration, especially what happens to these women and children along this border, has nothing to do with politics. I mean, if we lined all these kids up in the room, I'm sure you guys would come up with a solution in a matter of hours.

Mr. PFLUGER. How sad is it that our colleagues on the other side of the aisle are not here in McAllen today in the Rio Grande Valley to see those unaccompanied minors, to hear the stories, to talk to you and to hear you saying that you have a recruiting and a retainment problem, that we had 17-plus suicides last year. It's very sad.

Colonel McCraw, thank you for your service. You know, just about an hour ago, I talked to a family member, the daughter of 1 of the 3 women who is missing in Mexico from Penitas right here in the Rio Grande Valley, a very sad situation.

With that event, with the recent murders of Americans in Mexico, do you see the cartels acting more brazenly? In fact, let's go a step further. Do you see them employing terroristic tactics?

Colonel MCGRAW. They've been employing terrorist tactics for years. This is nothing new. Kidnappings of Americans is nothing new. Kidnappings, extortions, torture, these things go back decades to the Mexican cartels.

So, I don't mean to be gratuitous. It's just not covered in Mexico. The reason it's not, I mean, being a journalist is not a good position to be in in Mexico, writing about cartel violence, plain and simple. They'll target them. I don't care if it's a blogger or a professional journalist or a judge or a police officer. No one is exempt from the cartels and their level of brutality.

Mr. PFLUGER. All three of you are law enforcement professionals with military experience. If you see an enemy use a tactic, technique, or procedure that threatens the lives of those that you're in command of or civilian populations, do you disseminate that information?

Colonel MCGRAW. Certainly.

Mr. PFLUGER. So if there—it's been alleged that there was an IED that was used by the cartels across the border. Would that be something that our Border Patrol agents would want to know?

Mr. CABRERA. Absolutely. I mean, I know, as a Border Patrol agent, I'd like to know something like that was happening, regardless of where it is on the border. I mean, I think it needs to go out to across all agents, all stations that be on the lookout for something like this, because it could mean your life.

Mr. PFLUGER. Absolutely. I assume the same for the Sheriff's Department and for DPS throughout the State of Texas.

Colonel MCGRAW. Certainly.

Mr. PFLUGER. Colonel, can you talk to the expense that the State of Texas has had to endure because of the abdication of responsibility of the Federal Government? I'm talking all the expense, from the hospitals to the jails, you know, the Operation Lone Star and Stonegarden?

Colonel MCGRAW. Just in the last couple of years, it's billions of dollars. But there's even more cost, because every time we get a surge like this where we take troopers, we take special agents, Texas Rangers, and we take resources from other parts of the State, as sheriffs know, from those locations and we send them down to the border to be able to do intensified operations, and that takes away a public safety value in those areas.

So it becomes more safe here, supporting our Border Patrol partners, less safe there. So there's an impact in terms of State-wide, and we recognize that. Certainly, the Governor recognizes that, and the State legislature has recognized that, but they—the Governor has made it very clear to me is that at the end of the day, is that a secured international border with Mexico is an absolute imperative. Without that, we don't have public safety or homeland security in Texas.

Mr. PFLUGER. I thank you, gentlemen. I thank you for your testimony and your service.

With that, Chairman, I yield back.

Chairman GREEN. The gentleman yields.

I now recognize the gentlelady from Georgia, Ms. Greene.

Ms. GREENE. Thank you, Mr. Chairman.

Thank you, gentlemen, for being here today and engaging in this important discussion with us. It's a necessary discussion. Again, we are outraged and angered that our Democrat colleagues didn't see the importance of our national security and our border security even to be important enough for them to get on an airplane and come down here and be here for this hearing.

Shame on them. Shame on them for not coming and listening to you and engaging in this important discussion about how to protect our country and protect our border.

During Trump's administration, the entire administration, there were approximately 2,437,856 alien encounters in that 4 years. During the Biden administration, to date, which is just over 2 years, there have been 4.7 million alien encounters just in his time as President. That is double, double. It has doubled in just that short amount of time.

Now, under the Trump administration, there were 581,257 got-aways during 4 years. During the Biden administration, to date, it is 1.3 million got-aways. This is an incredible increase, and it is not by mistake or accident.

In your opinion, each of you, what are the policy changes that have happened to contribute to this invasion of our country? Mr. Cabrera.

Mr. CABRERA. I think first you have the parole. We're paroling people into the United States instead of mandatory detention, mandatory removal. The talk of ending Remain in Mexico and then put-

ting it right back on a couple days later, that had some issues. Before, we could send everybody back. After Biden restarted it, we could only send certain folks back.

I think those are the two biggest ones. If we continue to let people come in, they're going to continue to come in. It's just like with a kid. If you let them do certain things and you tell them no, but there's no—there's no consequence to it, they're going to continue to test those limits.

That's what we're seeing. We can tell them all day long that if you come, we'll send you back. But once we release them into the country, they call home, they put it on Facebook or Instagram or whatever they use, and more people come, because, regardless of what I say or the commissioner or whoever, their brother, their sister, their cousin told them how to do it and how it's done, and so they do it.

Ms. GREENE. Open door policies. Sheriff Coe.

Sheriff COE. I agree 100 percent. Because of the lack of consequences, they just continue on. That's why we started prosecuting them for criminal trespass. We've seen it effective, because we're pushing the foot traffic into another county.

We're still catching them, but not as many, but we're pushing them to another county. I hate to do that, but that's the only way I can protect my county. So there has to be consequences.

Ms. GREENE. That's right. Colonel McCraw.

Colonel MCGRAW. I agree with Agent Cabrera.

Ms. GREENE. Thank you. It is my opinion, and I have cosponsored legislation to impeach Secretary Mayorkas for his failure, as Secretary of Homeland Security, to do his job to protect our country and in not doing his job to enforce policies or bring policies under the Biden administration that allow our good men and women of the Border Patrol and ICE to do their jobs. I think that's something that should be done, definitely.

But I'd like to talk to you for a second, Mr. Cabrera, because you said something that struck me, and I want to acknowledge this. You stated in your opening testimony that you told your wife that you didn't take this job for the money because your job, you don't get paid a lot of money.

Border Patrol agents don't get paid a lot of money. As a matter of fact, men and women in all law enforcement don't get paid a lot of money, but you do such an important job, and I thank you for that. You're the right man for the job. So I just wanted to say that to you.

But also, I looked it up while we were—while the discussion was going on. Secretary Mayorkas makes \$200,000 a year in his job while he's failing to do his job. I'm a business owner, and that's what I did all my life before I became a Member of Congress.

I believe in accountability as well, and that's what you gentlemen just spoke of is accountability. I believe in accountability to people that are getting paid to do a job. Secretary Mayorkas certainly should not get paid the big salary that he gets to put men and women in the Border Patrol, their lives in danger like they are every single day.

In the hearing before this one—or, actually, this morning, it was revealed to us that an explosive device was found by Border Patrol

on January 17, but it didn't seem to be reported to very high levels. I was just wondering had you heard about an explosive device being found in January?

Mr. CABRERA. Absolutely not. Actually, the first I learned of it was this morning, watching the livestream in the room down the hall.

Ms. GREENE. Right. So that—to me, that is—that's the cartels taking it to a whole different level that puts our Border Patrol men and women in extreme danger.

You mentioned—how many suicides did you say there were among Border Patrol agents?

Mr. CABRERA. Seventeen.

Ms. GREENE. Out of 18,000, approximately?

Mr. CABRERA. Sixteen thousand.

Ms. GREENE. OK.

Mr. CABRERA. Well, 19,000, 19,500, including supervisors and management.

Ms. GREENE. Out of 19,500, there were 17 suicides. You said there were how many suicides under New York—

Mr. CABRERA. Out of 30-some, 35,000 officers, 4.

Ms. GREENE. Four. That shows the tremendous difference in stress and emotional toll on Border Patrol agents with a much higher suicide rate. That, again, is devastating.

Is there—what do you see could be done for Border Patrol agents to make their jobs easier, less frustrating, and for them to be able to accomplish what they need to do on a daily basis?

Chairman GREEN. So if you could answer as quickly as possible, I'd appreciate that.

Mr. CABRERA. We just need to be—get out there, let us do our jobs the way we were trained to do it, enforce the laws as they were written, and let the law supersede the policy as opposed to the policy superseding the law.

Chairman GREEN. Well said by a paratrooper. All right.

The gentlelady yields, and I recognize Mr. LaLota from New York.

Mr. LALOTA. Thank you, Chairman.

Gentlemen, thanks for being here, for what you're doing for our great country. I represent a suburban district in New York. I'm about a mile—or excuse me, an hour or two east of Manhattan. I'm the Yankee in the crowd, and I appreciate your hospitality. I think I've traveled the furthest of any Member on the committee here.

This issue is important to my constituents. It's important to me, because New York is, indeed, a border State. We are a border State because of the sanctuary city policies that come from my State. We are a border State because of President Biden and Secretary Mayorkas' failed leadership. We are a border State because of the lack of infrastructure, technology, and personnel at the border.

My first line of questioning is going to go to the folks from the State and local, the director and the sheriff. You folks are stepping up and are leading where the Federal Government is not. This should be a Federal issue. The Federal Government has a responsibility to secure our border. In absence of that, I commend you and I thank you on behalf of my constituents for stepping up.



We've had tons of fentanyl deaths in our county, about 400 recently. We have crime. We have overcrowding in our schools. We have legitimate people looking to go through the immigration process. Folks have cut that line. But your leadership, gentlemen, has helped thwart some of that.

So my question is a follow-on to Mr. Pfluger's question. What is the cost of you stepping up in the Federal Government's absence in terms of dollars? What have you had to spend? First you, Director, and then Sheriff after. What have you had to spend to fill those leadership shoes?

Colonel MCGRAW. Well, just in the last 2 years the State spent over \$4 billion. They're looking at spending another \$4 billion in the next biennium, and they're having to find revenue to be able to do that.

So they're not planning on it being—the problem immediately going away and dissipating. Frankly, we would love to see—and, by the way, 23,000, and we're talking about Border Patrol agents. You're down to 19,000.

Then you talk about New York City. One police department has got more officers than the entire U.S. Border Patrol. They've got two—I mean, it's pitiful in terms of the underinvestment that the Government has made in Border Patrol over the years and border defenses. That's my one comment. I'll keep my other comments to myself.

Mr. LALOTA. Many of my constituents don't know this. My understanding is of Texas' 200-and-some counties, many of the counties deploy their officers, their deputies to the border to help secure the border.

Colonel MCGRAW. Two hundred fifty-four. They certainly would, but they're usually back at home trying to take care of the gaps we leave when we send troopers down south. But there's not a one that doesn't have to deal with border-related problems in their jurisdiction already.

Mr. LALOTA. Thank you.

Sheriff, on the cost in terms of dollars to your agency, sir.

Sheriff COE. On my cost, my current budget is just a little over \$1 million. That's to cover everything. We're 6 months into it, and I've already expended all my fuel money. So we've got to borrow from somebody else, take it from another department, because of issues like that.

The cost of EMS having to transport people to and from a local hospital, which we don't have. We got to go 40 miles to go to a hospital. About 20 percent of what we're transporting to hospitals is the result of illegal immigration, aliens that have succumbed to the heat or have some type of broken leg, broken arm, been snake bit out in the brush.

We have to transport them. We don't get reimbursed. So our EMS crew and my office are going to be in the red again this year because of this.

Mr. LALOTA. Safe to say, Sheriff and director, you would agree that the Federal Government should reimburse you for those costs?

Sheriff COE. They should have been reimbursing us a long time ago, because the Federal Government won't pay for our transport to and from.

Colonel MCGRAW. I'm not sure that Stafford Act covers policy disasters, but clearly it is a disaster and certainly a crisis.

Mr. LALOTA. I agree with that.

Moving on to opportunity cost, you're diverting resources, personnel, equipment and otherwise, to cover the Federal Government's back where the Federal Government has failed.

How would you address where you're having to miss the ball back at home, in terms of crimes against people, crimes against property? What are you missing because you have to divert your resources to a Federal Government problem?

Sheriff COE. On the county level, part of my job is, yes, to help get cats out of the trees, hang out with the kids at school, teach the kids to respect law enforcement, be an example.

But, because of this illegal immigration, my resources are going elsewhere. Yes, we still handle some of the domestic stuff, the big stuff. But being in the public eye like we're supposed to be, we're out doing Border Patrol's job. No offense to Border Patrol, because they're being tied up doing other things.

My crew has—I've got six full-time deputies, and we spend the majority of our day processing smugglers and illegal immigrants, because the Border Patrol can't. So we're missing out on a lot of things we should be doing that we can't.

Colonel MCGRAW. We have to conduct surge operations and sustained deployments around the State from resources elsewhere in the State and continue to move wave after wave after wave, to be able to keep intensified patrol operations on the river, certainly in the air, and on the ground in the brush teams.

Mr. LALOTA. Let me close by once again saying thank you. You know, it's a sacrifice that you and your officers and deputies are making personally, financially. Us New Yorkers, we do appreciate it.

I yield, Mr. Chairman.

Chairman GREEN. The gentleman yields.

I now recognize Mr. Luttrell from Texas.

Mr. LUTTRELL. Thank you, Mr. Chairman.

Good to see everybody again, Colonel. Sheriff Coe, it's been a while. It's good to lay eyes on you again.

Yesterday, we had the opportunity with DPS to travel around the—on the river, and we saw where the cartels—and on the other side, it was beautiful. Beautiful homes, just extravagant. But the cartel have come in and taken all that over and run away all the industry and businesses and families that were there. So now it's nothing like it used to be.

My question is, Sheriff, with the push across the border into your county and surrounding counties, what is the—how many people are leaving? Because you said industry. The sheep and the goat industry, depleted, it's gone.

Sheriff COE. Yes, sir.

Mr. LUTTRELL. Are you seeing that surge more and more, and is it lateral across the borders on our side?

Sheriff COE. If we go by the last Census—the current Census shows we have a population of 3,100 people, almost 3,200. The Census before, we had 3,900 people. So, by that, we've lost 700 people

in the past 10 years. But what we're starting to see because of this is, yes, people are leaving, but they're selling their properties.

We've got one really nice piece of property that I'd like to have, but he's tired of fixing his fences. He offers hunts to Wounded Warriors, and he's constantly in the public eye in our county, anyway, helping with the 4H, FFA, Little League, et cetera, et cetera.

He's getting ready to pull out, and we won't see him again. So we will lose that part of the industry, that tax base, plus his goodwill toward our county, keeping us afloat.

The only people that are buying big tracts of land right now are the people that are subdividing it. They start subdividing it. They want to divide it. He's got 3,500 acres. Somebody wants to come in and buy that and subdivide it into ten-acre plots, which will completely destroy my county. Because people are tired, they're getting ready to leave.

Mr. LUTTRELL. Just to clarify something you and I spoke about, if a rancher's fence is torn down and their livestock exit the ranch and get on the highway systems and a vehicle strikes that animal, it's the rancher's responsibility to pay, correct?

Sheriff COE. Correct. The rancher is responsible for that animal getting on the highway.

Mr. LUTTRELL. That happens quite often.

Sheriff COE. That has happened quite often.

Mr. LUTTRELL. Mr. Cabrera, and this is the hard one. This is the—we can't seem to crack. When it comes to morale and health, I mean, in Big Bend, 2½ hours to the Walmart, that's not going to change.

Mr. CABRERA. Yes.

Mr. LUTTRELL. That's just not. We have to figure out another way. How can we help enhance the want, desire to become an agent but serve in these challenging areas?

Mr. CABRERA. You know, I think a big part of it is going to be pay parity. You know, if somebody can leave to a different organization and get closer to home, I mean, it's just common sense that, you know, they're going to go home. The old saying is a happy wife, happy life, you know.

Some guys will—some guys will take the commute. Some guys drive 2 hours from El Paso, but it starts to become a drain on them little by little. So I know the patrol has done some things as far as making it a hardship station where you could stay for X amount of years, then you could transfer to a station of your choice. Stuff like that helps out.

Mr. LUTTRELL. This may be a little technical, but with just the advancements of technology in the areas that we are short on officers, would it make more sense if we surged technology into places that maybe necessarily people don't want to operate and have that assist a smaller number in order to enhance numbers somewhere else?

Mr. CABRERA. Most definitely. I mean, you look at the Aerostats, those big blimps you see. I mean, those things are wonderful. They work wonders for us out here. I know most of the Patrol has lost access to those.

We still have them in the McAllen areas. Once we lose them—and we will—it's going to be a big blow to our agents, because

they're very useful. They can operate around the clock. They're not worried about fuel like the helicopters. If you could get those in other places, that would greatly help.

Mr. LUTTRELL. I think we might work on that.

I yield back, sir.

Chairman GREEN. The gentleman yields.

I now recognize Mr. Strong from Alabama.

Mr. STRONG. Thank you.

Sheriff Coe, you mentioned that the population of Kinney, Texas is declining. You already got that question answered. What is the capacity of your jail in Kinney?

Sheriff COE. Right now, my jail is closed down, because it's old and it doesn't meet jail standards.

Mr. STRONG. OK. How many schools do you have in Kinney, Texas?

Sheriff COE. One.

Mr. STRONG. You have one school. Do you have illegal aliens being taught in your school?

Sheriff COE. At this time, no.

Mr. STRONG. Thank you. I also want to thank you for going the extra mile and rather than just kick the can down the road taking those illegals back to the border and sending them back where they came from. That was very commendable.

Colonel McCraw, do you believe it's time that the U.S. military stops this invasion of the Southern Border?

Colonel MCGRAW. Yes. I certainly believe it's time for the Federal Government to do its sovereign responsibility and whatever resources it needs to do it.

Mr. STRONG. Thank you. I yield back.

Chairman GREEN. The gentleman yields.

I now recognize the gentleman from Oklahoma, Mr. Brecheen.

Mr. BRECHEEN. Thank you, Mr. Chairman.

Sheriff, you had mentioned something. This was not going to be something that's part of the record of this hearing. But I had a chance to introduce myself to you. I liked your 5-inch brim and your good leather work on your belt.

We had a conversation before this hearing started where you had mentioned to me in 2005 circa——

Sheriff COE. Yes, sir.

Mr. BRECHEEN [continuing]. That there was a policy that you paid attention to, detention consequences. I'd like for you to elaborate on what you shared with me in private to this committee.

Sheriff COE. OK. Back in 2005, I was with U.S. Border Patrol. We started a program that was called Operation Streamline. We started in one little part of Del Rio sector and expanded it as it went on. But every illegal alien caught, everybody, male or female, was prosecuted for U.S.C. 1325, which is illegal entry into the United States.

It worked. We had areas in Eagle Pass, Texas, that were seeing groups apprehension on a daily basis anywhere between 50 and 150. Once we started that prosecution, they went someplace else. Once they moved, we moved with them. After about a year, year and a half, our apprehensions went through the floor. Where we were apprehending 150, 200 a day in Brackettville, it went down

to 10 or 12 a day. Those were usually they were being transported in smuggling cases, but they too were prosecuted for illegal entry.

Then we expanded that into expedited removal. In other words, right there on the spot, we did the paperwork. They were removed back to Mexico, and it was considered a deportation. So if they ever entered again, they were facing felony charges. That program worked.

Mr. BRECHEEN. Can you elaborate on—there was jail time involved in this, correct, as a deterrent?

Sheriff COE. Yes, up to 180 days in jail for the illegal entry, which is a misdemeanor. If they were caught again for reentry after deport, I believe it's 2 years or 5 years? Five years. They faced up to 5 years for reentry after deport.

Mr. BRECHEEN. That's great. What do you experience now? Can you elaborate on if you show up on the scene and your county is not the first to apprehend them, if the Border Patrol is there, what happens in terms of your ability to start trespass proceedings against this person?

Sheriff COE. If we show up on scene and the landowner wants the ones that are on caught on his property processed and prosecuted for criminal trespass, but Border Patrol got their hands on them first, they will not give them back to us.

It's not because the agents in the field don't want to. It's not because the patrol agent in charge doesn't want to. It's coming from Washington.

Mr. BRECHEEN. There's so many years of experience here in front of us at this table of dealing with this. President Biden has made the comment "not one more foot" in regards to, you know, building a fence or a wall.

Director, what can you tell me? We saw, it was either under DPS or National Guard in El Paso sector, Rent a Fence, that the Texas Department, whether it's—it was actually where the Federal Government had stopped the construction. I took a picture with it. It says "Rent a Fence."

Can you talk to me about Texas' position on physical barriers?

Colonel MCGRAW. They're an absolute necessity. As Congressman Luttrell indicated, sometimes you don't need it. Big Bend's a pretty good infrastructure itself if you've got technology employed, but clearly El Paso, when you saw when you have Venezuelans swelling along the Del Norte Bridge and trying to push in, if you don't have the infrastructure.

Certainly on some of the areas where Texas Military Department has put concertina wire and other infrastructure, then you're going to get people able to move in such—in such quantities that you can't stop it.

So infrastructure plays a key role. I think that whether it's permanent infrastructure or even temporary infrastructure, which we've had to use, simply because we don't have time to build the type of fence that needs to be there, it's important.

Mr. BRECHEEN. Mr. Cabrera, you represent 16,000 Border Patrol agents out of almost 20,000. What does the guys and gals that you work with, what's their position on physical barriers? We have people across the Nation, post-'86 amnesty, who would, you know, who would talk about that there's no value in physical barriers. What

are the people that you work with and your years of experience, what does it tell you on the value of physical barriers to solve this problem?

Mr. CABRERA. They work. I mean, it works 100 percent. You know, you may come over that wall. If you climb over that wall, the chances are that our agents are going to be there to meet you on the other side. In Hidalgo, if there was no wall there, from the time you left the river to the time you disappear into the community, it's less than 30 seconds. But, with that wall up, that gives us a good 3, 4, 5 minutes for you to get over and get down and our agents are there. So, without that wall—it doesn't stop everything, but it gives us enough time to get in position. I mean, there's one around the White House. There's a reason that it's there, because it works.

Mr. BRECHEEN. So, in terms of allocation of resources, you believe that one agent has the ability with a fence, a fencing structure, has the ability then to be able to cover much more ground, whether they're horseback, ATV, that that gives that agent greater distance and more efficiency in their day-to-day work activities?

Mr. CABRERA. Yes, it is a force multiplier. It does slow them down so that our agents can get there and get the job done. So it is—it's not the only tool in the toolbox, but it is a very necessary tool.

Mr. BRECHEEN. Thank you. I yield.

Chairman GREEN. The gentleman yields. It would appear that I skipped one of our Members. My apologies. My deepest apologies to the gentlelady from Florida. You are now recognized, Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman.

Today's testimony makes clear that Mexican drug cartels are trafficking narcotics, weapons, and children across our Southern Border and that border security is collapsing under the failed policies of the Biden administration. We must recognize that the Biden administration's reckless failure to secure our border is allowing criminals to enter our country and undermining the rule of law.

Between October 2022 and January 2023, Customs and Border Patrol officials arrested 9,445 individuals with criminal convictions, 209 members of known criminal organizations, and 53 people whose names appear on the FBI's terror watch list. What's even more concerning are the estimated got-aways who we cannot track.

One argument that has been made by the administration in support of their failed policies is that our approach at the Southern Border should be humanitarian-focused. So I would like to return to a subject of some prior statements, Colonel McCraw, that you made and discuss the humanitarian effects on people that are coming across this border, those who are exploited, injured, or even killed. I would like for to you share with us, if you would, your impression of whether these policies of the administration are, in fact, having a humanitarian effect.

Colonel MCGRAW. Well, it may seem compassionate, but any time you attract millions of people from around the world to essentially turn themselves over to the Mexican cartel—and we described in detail in terms of how violent and ruthless they are—you're basically setting them up to be victims of crime. It happens again and again and again, and not just when they get—you know, before the

river, but on the river, but in the other side of the river, and Sheriff Coe talked about in terms of abandonments. You'll see even kids. Because kids are great that you can bring with them, the younger the better. You can bring a kid in your family unit, if you're captured in that regard. But, at the same point, they abandon those kids. I don't know how many people's lives we lost. I don't know in Kinney County, but certainly in Brooks County, right by the—they fell through this checkpoint. All of these things are playing out. The investigations that we conduct, the investigations are very important, when we target the cartels, it's very important to do. But sex trafficking investigations, we have talked about these major cases.

You know, what these cartels and these organizations do is—do to these people is undescrivable. You don't hear about it. It's not reported much, but it's happening, and you see it in our investigations, and you see it in patrol operations.

Ms. LEE. Tell us, if you would, what are the primary types of those investigation that you see, the common things that are happening, criminal conduct that's occurring that's victimizing these individuals who are attempting to cross the Southern Border illegally?

Colonel MCGRAW. Well, first, unfortunately, it's very difficult to tell the difference between smuggling and trafficking anymore with the cartels. So, first and foremost, the money on the front side, you can argue, well, that's just the smuggling fee. But, when they get across, they're maintained and housed and inside stash houses. They insist upon calling relatives to get more money. So it's kidnapping, in effect.

Then you get them when they finally go to their final destination. They know where they're at. They know how to get in contact with them in that regard, and now it's extortion. They continue to pay money back to the cartels that they owe because they couldn't afford to pay all of it.

You know, going back to the policy side of it is that, you know, people, you know, will give up—and it's demonstrated again—they will sell everything they have to be able to try to come to the United States because it's that important—if they believe they have an opportunity. They won't if they believe that there are consequences.

Ms. LEE. Agent Cabrera, I would like to ask a similar question of you. One thing that you mentioned earlier was your belief that if the children who you had seen victimized as part of this flood of individuals illegally across our Southern Border were here, that we would reach a policy solution. Tell me, if you would, what it is you have observed with women and children and how they are being treated coming across our Southern Border.

Mr. CABRERA. Just the other day, it was about a week or so ago, maybe 2 weeks, it was about 35 degrees, 40 degrees, somewhere in there, and we had a little boy that was brought up by another group that found him crying on the river. He was 4 years old. He had one shoe on. He was soaking wet, and his parents were already here in the United States. We see that all the time. We see little girls—5, 6, 7 years old—that their parents are already here, and

they sent them in care of a smuggler, and the parents are in Houston or Detroit or wherever.

A while back, I had a 13-year-old girl that came up to us, turned herself in at the wall, in a group of about 70. We asked for her documentation, and she handed us her birth certificate. She didn't say a word. All she did was cry for the hour and a half it took for the buses to get out there to come pick her up. She was—we couldn't console her. I mean, it—God only knows what happened to that young lady.

I saw a lady, I think in her late fifties, and she was just pummeled to a bloody pulp. This was about a year ago. The reason she was pummeled is these river guides tried to get to her 12-year-old granddaughter. Luckily she fought them off, but she paid the price for it. But we see that time and time and time again.

If you did mandatory detention, mandatory removal, we wouldn't see this because we wouldn't be incentivizing people coming over, and let's do everything we can, let's risk our lives, let's risk our young children, let's put our young girls on birth control at the age of 12, or give them plan B because we know that's part of the journey.

If we disincentivize this journey, people would stop bringing—taking that journey.

Ms. LEE. Thank you, Agent Cabrera.

Mr. Chairman, I yield back.

Chairman GREEN. The gentlelady yields.

I now recognize, from her own district, the gentlelady from Texas, Ms. De La Cruz.

Ms. DE LA CRUZ. Thank you so much, Mr. Chairman.

I thank you all for being here today.

When I spoke last session, I talked about the importance of technology and specifically drones and what we had over 35,000 detections and 10,000 incursions. Well, drones can't work themselves, right? We need the manpower, the agents to be able to work them. So retention and a recruitment is an important part of securing the future of our Nation.

So this question actually goes to Mr. Cabrera. Mr. Cabrera, over the last year, due to the failed Biden policy and the stress that it has put on our Border Patrol agents, have you seen an increase in agent retirement?

Mr. CABRERA. Most definitely. You know, like we said before, technology is great. We can have all the technology in the world, but if we don't have all the agents on the ground to stop it, we're not going to be able to do anything.

It used to be, when I first came in and even up until about 5 years ago, when you hit that retirement age, you had maybe a 7-to-10-year gap where you could go, but most guys didn't go. They stayed until mandatory. Now, when guys hit that retirement age, they jump as soon as they can. That's a shame because we're losing very senior, seasoned agents that we're just letting go.

Ms. DE LA CRUZ. Do you see that trend continuing?

Mr. CABRERA. I see that trend continuing, and I foresee it getting worse.

Ms. DE LA CRUZ. Share with the committee here about recruitment, and recruitment being a key part of being able to make sure



that whoever's retiring, that not only do we still fill those spots but even increase our agents at the border. So share with the committee about polygraphs and how polygraphs have affected recruitment.

Mr. CABRERA. You know, I think polygraphs have their place. I think the Border Patrol polygraph—I think it's a flawed system. I know we've had guys that come out of the military with a security clearance, top secret, and they fail the Border Patrol polygraph. So they get sent on down the road.

I have tons of stories, whether it's people I know or people that I'm related to, that can't pass the Border Patrol polygraph, but they passed the one for Customs, or they go into DPS, or they fail it the first time and pass it the second time. It's just astonishing that nobody can pass this polygraph. It's—I mean, they ask some just ridiculous questions. They even go to—sometimes I've even heard of them going into people's sexual orientation on these polygraphs. What that has to do with anything is insane.

But, you know, if there is a place for it, they need to revamp that system and make it so that we are not losing good candidates to DPS, which we are. You know, it's good for them; it's bad for us.

Ms. DE LA CRUZ. So is this something that the polygraph test and how it's being utilized with the Border Patrol recruitment something you would like this committee to take a look at?

Mr. CABRERA. Most definitely. I mean, like we said before, we are losing tons of great agents for just silly, silly technology.

Ms. DE LA CRUZ. Tell us about overtime caps and how that affects maximizing the boots on the ground.

Mr. CABRERA. We have overtime caps. I don't know the exact numbers on it, but we do have a cap on overtime. So, if we work it early on in the year—which like this team of the year, everybody starts taking their overtime—and then toward September, October, November, there is, you know, no overtime left because even if it's available, the agents can't go over that cap to work it because they've made too much already.

Ms. DE LA CRUZ. So let me make an example for my colleagues here that I think is very important. So people are maximizing their overtime right now. So let's just say November, if we had a migrant flow of 10,000 Haitians come over like they did in the past years, people would be maxed out on their overtime and could not go out and assist. Is that correct?

Mr. CABRERA. That is correct.

Ms. DE LA CRUZ. Thank you very much, and I yield back.

Chairman GREEN. The gentlelady yields.

I just want to add that in the border bill that we have put together, the polygraph issue is addressed. So, hopefully, the administration will sign that bill, and the Senate will pass it. But, for prior law enforcement and military, et cetera, those are the security clearance—the polygraph will be waived.

A couple of admin notes, first, for the committee Members, we have some food for you in the roundtable room, and we will do the press conference in about 20 to 30 minutes.

Mr. STRONG. Mr. Chairman, could I ask you, I know that every Member was notified—

Chairman GREEN. The gentleman is recognized.

Mr. STRONG. Thank you. Mr. Chairman, thank you. I know that every Member was notified about this committee hearing. Could you tell me what date we were notified so that we could make our schedules available for this most important hearing in Texas?

Chairman GREEN. Well, actually the press—give me just a second. I have got to find the exact date for you. It was at least a week ago. I want to give you the actual date. February 21 was actually the first notice.

Mr. STRONG. Thank you.

Chairman GREEN. Yes. I thank the panel of witnesses for being here. Incredibly valuable testimony. The Members of the committee may have some additional questions for you, and they'll submit those in writing. You can submit your answers in writing.

Pursuant to the committee rule 7(d), the hearing record will be held open for 10 days for such testimony.

Without objection, the committee stands adjourned.

[Whereupon, at 12:53 p.m., the committee was adjourned.]

